THE State of Ireland,

WITH A

VINDICATION

OF THE

Act of Settlement,

AND

Commissioners Proceedings, &c.

Also, Reflections on the Late

Coventry-Letter,

Writ by

An Eminent Councellor of that Kingdom:

Wherein the said AUTHOR endeavours to Prove, That it was not for *Murther*, nor *Rebellion*, but *Religion*, that the *Irish Estates* were Sequestred by the forementioned *Act*.

By a Person of Honour.

PRINTED in the Year, 1688.

A Defence of the Preſent Settlement in IRELAND.

BY a LETTER pretended to be written from *COVENTRY*, dated the *26th.* of *October*, 1686. and ſeveral other *Papers*, which have been carefully diſperſed by ſome Perſons; who ſeem diſaffected, that the *Britiſh* are Poſſeſs'd of ſo many *Eſtates* formerly belonging to *Iriſh Proprietors*, and with the *Preſent State* of *Affairs*: 'Tis apparent, That there are Thoſe that endeavour, as much as in them lies, to break the *Settlement* of that *Kingdom* of *Ireland*; from which His late *Majeſty* reaped more Profit, than all His *Anceſtors* before Him ever receiv'd from that *Iſland*: And *England* has been eas'd of thoſe great Expences of *Blood* and *Treaſure*, that the frequent *Rebellions* of that *Kingdom* did formerly occaſion. And although I do not imagin, That any Suggeſtions, how confidently ſoever ſerted, will be able to divert our *Severaign* from

the Rules of *Juſtice*, or the Intereſt of His *Crown*: Yet I think it reaſonable, for the Satisfaction of Thoſe to whom that Share I have in *Ireland* may come, to ſet down what I know of that *Settlement*, whil'ſt freſh in Memory; that they may hereafter underſtand upon what *Foundation* their *Title* is built; and endeavour (and that without *Scruple*) by all lawful Means to *Enjoy* and *Defend* It. I intend no *Reflection* upon any *Particular Perſon*; nor can I, without Trouble, mention the *Sad Accidents*, which happen'd between the Years 1640. and 1660. in *Ireland*: Were I not forc'd to it, I ſhould eſteem it indecent to uſe the term *IRISH REBELLION*; but 'tis now made neceſſary: Let the Blame therefore lie on Him that gave the Occaſion. However, I ſhall not offer any *Thing*, but what I *Know*, or have good Reaſon to *Believe* True; and no more of *That* neither, than is Pertinent.

The *Queſtion* then being, *Whether it be Reaſonable, at this Time, to break the Settlement of* Ireland? The *Juſtice* of it will firſt fall under Conſideration.

In the next place, Suppoſing ſome *Objections* might have been made to the *Settlement at firſt*; *Whether, at this Time, they can be juſtly hearken'd to?*

Laſtly,

Laſtly, I ſhall make ſome *Obſervations* on the *Coventry-Letter*, and the *Pamphlet* from which the AUTHOR of that *LETTER* deriveth many of his *Argùments*; call'd, *A Narrative of the Sale and Settlement of* Ireland.

To prove the *Settlement* Juſt, which is Founded upon the *Forfeiture* of a conſiderable Part of the *Land* of that *Kingdom*; it will be neceſſary to ſhew, That there was a *Rebellion* in *Ireland*, which began the 23*d*. of *October*, 1641. and that almoſt general.

I. *Firſt*, For this I ſhall offer (as the beſt Proofs that can be produc'd) ſeveral *Acts* of *Parliament*; as the *Four Acts* of *Parliament* Paſſed in *England*, 17°. *Car.* I. where this *Rebellion* is declar'd, in the Judgment of that *Parliament*, ſo general, that many *Millions* of *Acres* would be Forfeited by it: The *Act* of *Settlement*, which is a brief *Narrative* of the *Rebellion* therein, ſtiled almoſt *National*; *The Confederates being Repreſented in a General Aſſembly, Choſen by Themſelves, and Acting by a Supream Councel; Exerciſing the Power of Life and Death; Making Peace and War; Levying and Coyning Money; Treating with Foreign Princes, for their Government and Protection; and Acting under a Foreign Authority*: Which are the Words of the *Act*; not Words of courſe,

but of certain Truth; as many could well remember, that were living when the *Act* was agreed upon: And the *Iriſh Agents* then diſputed all particulars, where they had the leaſt pretence of Denyal; yet theſe things were made good to their Faces, and by the late King, directed to be inſerted as the Foundation of the intended *Settlement*. The *Act* likewiſe that paſſed the 14 of King *Charles* the Second, *Ceſſ.* 23. *For the keeping the* 23. *of* October 1641. *To Seize the Caſtle and City of* Dublin, *and all other Cities in the Realm; To cut off all the* Engliſh *in that Kingdom; and to deprive King* Charles *the Firſt of His Crown and Soveraignty.*

Secondly, The *Iriſh* do acknowledge, that there was a *Ceſſation*, a *Peace* made 1646, and another in 1648. between Them and King *Charles* the Firſt, or thoſe *Authorized* by Him: *Doth not this neceſſarily Imply a War?* and what is a *War*, by *Subjects* managed againſt their lawful *King*, but a *Rebellion?*

Theſe Tranſactions were in the *Names of the General Aſſembly of the Confederate Roman Catholicks of* Ireland; which comprehended the whole *Nation*: And if any of the *Iriſh Confederates* declared themſelves againſt this *Aſſembly*, as not included in it, let thoſe that know them, Name them for their *Eternal honour*.

Thirdly, The *Rebellion* was ſo General, that in ſeven Counties of the Kingdom, by the beginning of the Year 1643, there were 3000, *Outlawed* for *High Treaſon*; In eleven other Counties, there were at leaſt 3000 *Outlawed* for their *Rebellion*; but the Power of the *Rebels* was ſo Great, that they could not be *Outlawed*: And as for the whole Province of *Conaught*, the Counties of *Tippeary*, *Limerick*, and *Kerry*, and the reſt of the *Kingdom*, the Defection was ſo Univerſal, that the King had neither *Sheriffs*, *Coroners*, nor any other Miniſters of *Juſtice*, to proceed againſt the *Delinquents*.

Fourthly, The *Oaths* of *Aſſociation*, That the *General Aſſembly*, and *Supream Council*, oblig'd perſons within their Power to take, directing them to be Adminiſtred by the *Clergy* in every Pariſh, could not but Involve all that lived within their Quarters (which, firſt or laſt, were almoſt over the whole *Kingdom*) in an equal *Guilt*, unleſs preſerv'd by *Miracle*: And if there be any ſuch, the Naming of them would give the World much Satisfaction.

Certainly, from theſe *Particulars* conſidered together, we may be ſatisfied of the *Truth* of that *Expreſſion* in the *Act of Settlement*, *That the Rebellion*

ſpread it ſelf univerſally over the whole Kingdom.

I ſhall ſay nothing of the *Barbarous carriage* of the *Iriſh*, at the breaking out of the *Rebellion*, to perſons that had given them no *Provocation*, which appeared by ſeveral *Examinations* taken upon *Oath* by vertue of the *Kings Commiſſion*, when things were freſh in *Memory*. This only may be deſired from thoſe who deny any of the *Relations* publiſhed of thoſe *Cruelties*, to name the *Places* where any of the *Britiſh* were permitted to Live in *Iriſh Quarters*; before the *Ceſſation*; but were *Murdered*, or utterly *Ruin'd*. Many have been *Inquiſitive*, but could never hear of any one *Family* that eſcaped them unhurt, unleſs they joyned with them; except ſome few that were *Protected* by the late Earl of *Clanriskard*.

The *Rebellion* being ſo hainous and general, as appears by the above Proofs; It clearly appears, that the *Lands* forfeited by the *Rebels*, might juſtly be diſpoſed to others. That *Engliſh* Kings have diſpoſed of Lands forfeited for *Treaſon*, hath been every where ſo common, but in *England* eſpecially, is a matter ſo well known, that it needs no Evidence. The King by the *Law* hath an abſolute *Right* in ſuch *Lands*, which he may give as he thinks fit; but thoſe that were

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in *Poſſeſſion* of thoſe *forfeited Lands* in *Ireland*, at King *Charles* the *Seconds Reſtauration*, had this, beſides the Kings meer *Favour*, to offer for themſelves; *That they had been very Early in appearing for His Return: That they had without Conditions, delivered the Kingdom into His Hands: That ſome of them had adventured their Money, others their Lives, to obtain the Poſſeſſion, which they ſo readily (without any Capitulation) ſubmitted to His Will.*

The *Adventurers* alſo, by Four *Acts of Parliament* made in *England*, 17 *Car.* I. yet in Force, had a *Juſt Right* to a conſiderable *Satisfaction* upon theſe *Laws*: They had *Advanced* at leaſt 300000*l.* yet have in their *Poſſeſſion* but a ſmall part of what was intended them; for had the *Acts* of the *Engliſh Parliament* been purſued, and they not obliged to a *Retrenchment* of a *Third Part* of their *Debt*, to the *Payment* of a *Years Value*, to the chargable paſſing of *Courts of Claimes* and *Letters Patents*, to none of which they were ſubject by theſe *Laws*, their ſatisfaction had been four times as great as now it is.

It hath been *Objected* by ſome, *That part of the Money Adventured, was mis-imploy'd by thoſe in Arms againſt the King in* England: To which may be truly Anſwered, *That vaſt Sums of Money, much more*

than 300000*l. Adventured, had been ſent out of* England, *towards the ſtopping of the Rebellion, even before the Ceſſation; and that the Adventurers could not call the then Parliament of* England *to Account how they then diſpoſed of their Moneys, the King having left the Management of the War of* Ireland *to Them by the* Act *of the* 17 Car. I. 'Tis further apparent, That the earneſt endeavours of King *Charles* the Firſt, to ſuppreſs the *Rebellion*, was that which gave moſt Encouragement to perſons who adventured their Money; from this, That after his leaving the *Parliament*, nothing conſiderable could be *Levied* upon this *Pretence*, though much more favourable *Conditions* were offered.

Others except againſt the *Adventurers ſatisfaction*, as not ſet out purſuant to the *Engliſh Acts*; to which may be returned, That none *Suffered* by that, but themſelves; for by theſe *Acts* they were to have had *Boggs*, *Woods*, and *Barren Mountains*, caſt into the *Meaſurement*. The *Quit-Rent* to have been paid to the King, was not to have been near ſo much as now it is; They were to have had more *Acres* by a *Third* part, than now they enjoy; every *Adventurer*, upon drawing his Lott, ſhould (without *Claim*, *Letters Patents*, *Payment of a Years Value*, or any other *Charges*) have been

been *Seized* by virtue of an *Act of Parliament* of his *Proportion*, which, if it consisted of 1000 *Acres*, or more, it might have been erected by him into a *Manner*, with extraordinary *Priviledges*; They had a *Just Right*, and there was no other way to come by it.

Certainly, there was as much reason to confirm This, as any Judicial Proceedings in the *Usurpers Government*. And the *King* and *Parliament*, in the *Act of Oblivion* that Passed in 1660, are of this Opinion; for there they declare, That, that *Act* shall not enure to restore to any Person (except the Marquess of *Ormond*, and the *Protestants* of *Ireland*, &c.) any Estate in *Ireland* disposed of by both or either House of *Parliament*, or any *Convention*, &c. or any Person deriving *Authority* from them.

There are others of the *British*, that have had satisfaction by these *Laws*.

The *Military* Officers, that had faithfully served the *King* in that *Kingdom* before the 5*th* of *June* 1649, the Persons against whose *Loyalty* there could be no *Objection*; many of them left their Wives and Families in a Miserable Condition, that they might go into *England* to the Assistance of King *Charles* the First; where several

of them loſt their Lives in His Service, and the reſt, upon all occaſions, appeared for the *Royal Intereſt*, and never received any Satisfaction in *Lands* or *Money*, until King *Charles* the Second, of his own *Juſtice* and *Bounty*, gave it them by the *Act of Settlement*: Theſe Men were ſifted with the greateſt *Care*, and all exchuded that had *Betray'd* any Towns in *Munſter*, or done any *Service* to the *Uſurper*.

Having now ſhewn that there was a *Rebellion* in *Ireland*, by which much Land was *Forfeited*, which was diſpoſed at the *Kings Pleaſure*, and that the Perſons that were in Poſſeſſion of the *Forfeited* Lands, at the *Reſtauration* of King *Charles* the Second, had fair pretences to have grants of the *Kings Tythe*. In the next place, I ſhould Prove that the *Acts of Settlement*, by which part of theſe *Forfeited Lands* were paſſed to *Adventurers*, *Souldiers*, and others of the *Engliſh* Nation, are for ſo much as concerns theſe new *Intereſts*, agreeable to the rules of *Juſtice*.

But firſt, It will be neceſſary to *Anſwer* an *Objection* they Stated.

Suppoſe (*Say the* Advocates *for the Forfeiting* Iriſh) *there were ſuch a* Rebellion *as is Pretended: Yet the* Confederate Catholicks *in the Year* 1643, *made a* Ceſſa-

Ceſſation *with* King Charles *the Firſt, which in* 1646, *was turned into a Peace, and that followed by another Peace in* 1648, *Concluded the* 17 *of* January *by the Duke of* Ormond, *by which* Article, *the* 18th. *the* King *Promiſeth that an* Act of Oblivion *ſhould Paſs in the next* Iriſh *Parliament, to extend to all Perſons, Before, In, or ſince the* 14th *of* October, 1641. *By this* Article, *they ſay, the* King *being obliged to* Pardon *them the* Rebellion, *could not juſtly diſpoſe of their Lands as* Forfeited.

To this, take this following *Anſwer.*

'Tis Apparent that the Articles *of the* Ceſſation *were not kept by they* Confederates, *they never Paying the* 30800l. *nor ſending the* Succors, *they were to give his* Majeſty, *according to* Agreement. *The Peace in* 1646, *was ſo far from being comply'd with, that theſe* Confederate Catholicks *ſoon call'd a* General Aſſembly *that diſowned it, Impriſoning their own* Commiſſioners *that made it; and ſent an Army under* Owen Roe o Neile *and* Preſton, *to Attempt* Dublin; *for clearing of which* Particular, *I ſhall refer to the Memoires of* James *Earl of* Caſtlehaven, *Sect.* 6th. *and this further cannot but be taken Notice of, That, that noble Earl acknowledges himſelf the only Perſon of the* Confederates, *that never left the Duke of* Ormond *in thoſe* Adventures, *and gave him his Ad-*

vice for giving up Dublin, *&c. to the* Engliſh *Parliament, Induced by this Conſideration, that if the* Nuncio, *and his* Party, *ſhould have* Ireland, *it might remain ſeperate from* England *for ever.*

That many of the *Confederate Roman Catholicks* broke the *Articles* of *Peace* made in 1648, will appear by a *Declaration* of the Confederate *Iriſh* Army, dated from *James Town* the 12*th* of *Auguſt*, 1650, (Printed in the Year 1674, in a Book Intituled, *The Hiſtory of the Loyal Formulary*, &c. written by Mr. *Peter Walſh*) by which they abſolutely diſown the *Kings Authority*, and *Excommunicate* all that adhere to it; which wrought ſo with thoſe of their *Religion*, that many of them cannot be pretended to have continued ſtanch.

But the *Objectors* will ſtill ſay, *There have been ſome Perſons, and ſome Corporations, that never broke thoſe Articles, and with what Juſtice can they be denyed the benefit of them?*

To Solve this, 'tis fit to conſider, that the moſt moderate of the *Confederates*, would not agree to a *Ceſſation* or *Peace* with King *Charles* the I. in his neceſſity; (whereby he might be at Liberty to make uſe of his *Britiſh Army*, then in that *Kingdom* in his other *Dominions*) without *Ceſſations* of ſuch a nature as *Loyal Subjects* would never have required: For Inſtance, By

By the 11*th. Article* they pretended to exclude ſuch Noblemen of the *Britiſh Extraction*, as had Titles in that *Kingdom*, from *Voting* in *Parliament*, unleſs qualified as they directed.

Article the 27. gives the *Iriſh Agents* Authority, to Levy conſiderable Sums of Money upon the *Subjects*, in an *Extraordinary* way.

By the 28. *Article*, the *Iriſh Agents* are to joyn with the *Chief Governour* in Naming of the *Juſtices* of the *Peace*, and the *Judges*.

By the 12. *Article*, it was to be left to both Houſes of *Parliament* in *Ireland*, to declare what they thought agreeable to the Law of *Ireland*, concerning the *Independency* of the *Law* of *Ireland*, upon the *Parliament* of *England*; nor would they rely upon the *Kings Word*, but by the 9th *Article* ſtipulate, for continuance of an *Army* of 17500 *Roman Catholicks*: And by *Article* 29. That all *Cities*, *Towns*, *Forts*, and *Caſtles*, in their *Quarters*, (which then extended almoſt over the whole *Kingdom*) ſhould continue in their *Poſſeſſion*, until the *Articles* were paſt into *Acts of Parliament*: This implies an *Obligation* upon them, ſo to keep this *Poſſeſſion*, as to be ready to deliver it up, when the *King* performed His Part. But this none of them were able to do, having given up the *Cities*, and

almoſt the whole *Kingdom*, to the *Uſurper*; making Conditions for *Themſelves*, but not taking the leaſt notice of the *King*, or his *Authority*.

The *Act of Oblivion* the *Confederates* pretend, (promis'd them by theſe *Articles*) was to paſs in the next *Free Parliament*: Now, how could a *Parliament* be *Free*, that was obliged before hand to paſs an *Act* ſo contrary to the Inclinations of moſt of the *Britiſh* concern'd in that *Kingdome*? or, How could the *King*, by the *Second Article*, promiſe to call a *Free Parliament*, and at the ſame time, by other *Articles*, determine what the *Parliament* muſt neceſſarily do?

The next *Free Parliament* that Sate in *Ireland*, after the making thoſe *Articles*, was that which was call'd, *Anno* 13. *Car.* 2. In this *Parliament*, an *Act of Oblivion* for the *Confederate Catholicks*, amongſt others, was offered by Directions from the *King*, but the *Houſe of Commons* rejected it.

It is worth *Obſervation*, how far the Breach of *Articles*, by part of the *Confederate Catholicks*, may Involve the reſt, and diſcharge the *King* of His *Promiſe* againſt them All.

If a Beſieged City *Article*, and *Security* upon *Conditions* be promiſed the whole *Garriſon*; yet if part of the *Garriſon* breaks the *Conditions*, all forfeits their *Security*. Be-

Beſides, King *Charles* I. before theſe *Articles* were entred into, had obliged Himſelf, not to *Pardon* thoſe guilty of the *Rebellion*, but by conſent of the *Engliſh Parliament*.

King *Charles* the II. by His *Declaration* from *Breda*, the 4*th* of *April* 1660, promiſes the *Adventurers* and *Soldiers*, a *Confirmation* of their *Eſtates*, according to their *Poſſeſſions*.

And the *Parliament* of *England* hath excepted the *Iriſh Rebellion* in the *Act of Oblivion*.

To conclude my *Anſwer* to this *Objection*; King *Charles* the II. was the only *Judge* upon Earth, how far He was obliged by theſe *Articles*; He hath taken notice of them in His *Declaration* for the *Settlement* of *Ireland*; and, after He had heard all *Parties*, doth Declare, *That thoſe that pretend they adhear'd to thoſe Articles, ſhould not be reſtored to their former Eſtates as Innocents*. In which Determination, all good Subjects ſhould Acquieſce.

I ſhall now proceed to *Anſwer* the *Objections* made againſt the *Juſtice* of the *Acts of Settlement*; but will firſt ſhew, how they paſs'd in that *Kingdom*.

Neither of the *Acts* were drawn up in the *Parliament* of *Ireland*; nor could they by the *Conſtitution* of that *Country*; they were drawn, as adviſed

in *England*, by the direction of the *King* in *Council*. Nothing paſt without the knowledge of the *Agents* for the *Iriſh*, who were looked upon as Men of the greateſt Ability for *Parts* and *Intereſt* of that *Nation*; and had a *Gratuity* of Three-pence *per Acre* allowed them, out of the *Roman Catholicks Eſtates*; thoſe were permitted to Diſpute every thing they could Object to in the *Acts*, and not Over-rul'd but by the *King* in *Council*, upon apparent reaſons. When the *Acts* came into *Ireland*, they could not admit of one Word of *Alteration*, and ſo they paſſed the *Parliament*; out of which, no Man was excluded for being a *Roman Catholick*, nor no *Elector* of *Parliament-Men* was refuſed upon that account.

Object. I. The firſt *Objection* then againſt the *Act of Settlement* is, *That the Qualifications appointed by them for the Tryal of Innocents, were unreaſonable.*

Anſw. The Qualifications were theſe; *That no Perſon was to be reſtored as Innocent, that before the* Ceſſation, *made* 15. Sept. 1643. *was of the Rebels Party; Nor any, who being of full Age, and ſound Memory, enjoyed their Eſtates in the Rebels Quarters; Nor ſuch as entred into the Roman Catholick Confederacy, before the Peace concluded in* 1648. *Nor ſuch as adhered to the* Nuncio's *Party. Nor ſuch who derived their Eſtates*

Eſtates from Perſons who Dyed guilty of the aforementioned Crimes. Nor ſuch as Pleaded the Articles of Peace for their Eſtates. Nor ſuch as (being in the Kings Quarters) had correſpondence with his Enemies. Nor ſuch as before any of the Peaces made in 1646, *or* 1648, *Sate in any of the* R. C's. *Aſſemblies* or *Councils, or acted by Commiſſion or Power derived from them. Nor ſuch as Impower'd Agents to Treat with Foreign Princes, to bring Forces into* Ireland, *or acted in ſuch Negotiations. Nor ſuch as were Tories before the Marqueſs of* Clauric-kard's *leaving the Government.*

Theſe *Qualifications* were, in the *Kings Inſtructions*, ſent over to the firſt *Commiſſioners*, for puting *His Declaration* of the 30. of *November* 1660. in *Execution*; which *Inſtructions*, together with the *Declaration*, were after paſſed as part of the *Act of Settlement.*

No Man yet hath been ſo confident as to deny, but that a *Perſon* guilty of any of the *Offences* mentioned in theſe *Qualifications*, might juſtly be eſteemed a *Rebel*, unleſs in one particular, and that is, in the *Enjoyment* of an *Eſtate* in the *Rebels Quarters*: But to this is Anſwered, *That by the expreſs words of the* Act, *thoſe are excepted out of this Qualification, that could not with ſafety live amongſt the* Engliſh; and it may juſtly be preſumed, that

none would chooſe to inhabit with the *Confederates*, that were not of their *Party*.

Beſides, the *Commiſſioners* for Trying the *Innocents*, were ſo favourable, that there cannot be any Named that were *Nocent*, barely upon this *Qualification*.

The Confidence of ſuch is Wonderful, who pretend they have loſt their *Eſtates* meerly for their *Religion*.

The *Uſurpers* indeed, when they firſt diſpoſſeſt them, did eſteem the *Rebellion* ſo Univerſal, that they accounted all the *Roman Catholicks* of the *Kingdom*, to have been of the *Iriſh Confederacy*; yet were they not ſo *Barbarous*, but appointed *Commiſſioners* to enquire, if there were any *Innocents* amongſt them; who finding ſome, that they thought were not guilty of the *Rebellion*, the *Uſurpers*, either continued them in the Poſſeſſion of, or reſtored them to their *Eſtates*, by the Name of *Conſtant, Good, Affectionate Men*, a Title well known in that *Country*.

'Tis certain, that neither theſe *Qualifications*, nor the *Act of Settlement*, nor the *Proceedings* of the *Commiſſioners* for reſtoring of *Innocents*, have given the leaſt reaſon for any *Roman Catholick* to affirm his *Eſtate* hath been taken from him for his

his *Religion*, unleſs he ſay, he engaged in the *Rebellion* upon the *Principles* of his *Religion*, which is hoped no Man is ſo Wicked, as either to ſpeak or think.

Beſides, if the Temper of many of the *Iriſh Nation*, in the *Parliament* that Sate in that *Kingdom* in 1641, be conſidered, and how they flew in the Faces of the *Judges* and *Engliſh Government*; and if the *Articles*, that from Time to Time they Propoſed to the *King*, after they had taken up *Arms*, be looked upon, it will be clearer than Day, that their Deſigns were *Temporal Advantages*, and the driving the *Engliſh Planters* out of the *Country*, covered over with a *Mantle of Religion*.

Object. II. A *Second Objection* againſt the *Act of Settlement*, is, *That a multitude of Innocents are barred by them, whoſe Claims had not ſufficient Time to be heard.*

Anſw. If by theſe *Innocents*, are meant ſuch as were not Born when the *Rebellion* began, or were hindred by want of Age, or from ſome inconvincible Weakneſs, from being concern'd in it, whilſt it laſted. 'Tis probable, there were a great many ſuch *Innocents*: But, to what purpoſe ſhould they be heard? it not being upon their account that ſuch Lands were forfeited; there is nothing

taken from them: Thoſe they would derive from, had forfeited before they had any Title.

But it is poſſible, there are no *Innocents* unheard, that had any Title (in 1641, when the *Rebellion* broke out) in the Lands diſpoſed of by theſe *Acts*; or, if there are, it hath happened through their own Defaults.

Doubtleſs, there are but few now living, that were Men in 1641; if there be, I would be glad to ſee a Liſt of thoſe *Innocents*.

Some indeed, ſince King *Charles*'s *Reſtauration*, might have had an opportunity of trying their *Innocency*, being accuſed of *Treaſons*, *Murder*, and other *Miſdemeanors*, had not Letters been procured from his late Majeſty, to ceaſe all *Proſecution* againſt the *Iriſh*, for ſuch Crimes as were Committed during the *Rebellion*.

Is it reaſonable to be deſired, that the Perſons, who now enjoy the *Eſtates* the *Iriſh* pretend to have belonged to their *Anceſtors*, ſhould prove the *Rebellious Actions* of private Men, committed almoſt 50 Years ago? In the year 1662, when the *Act of Settlement* paſs'd, it had been difficult to have made out their *Guilt*, had it not been very *Notorious*. But now it is abſolutely impoſſible, conſidering what the *Act of Settle-*

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ment informs the World, (viz.) *That ſeveral means, for many Years together, had been uſed to Murther ſuch Witneſſes, ſuppreſs ſuch Evidences, and to vitiate and imbezle ſuch Records and Teſtimonies, as might prove the Guilt of particular Perſons.*

I believe the common *Eſtimate* Men make of the Number of *Iriſh Proprietors* in 1641. (from whence they conclude many *Innocents* unheard) is a great Miſtake: To rectifie which, I will inſert the Number of all the *Iriſh Proprietors* in and about the Fourth Part of that *Kingdom*, as I find them carefully return'd on Record:

	Proprietors in 1641.		Out-law'd, and Indicted for the *Rebellion*, in the ſame County;	
In	*Meath*,	380.		409.
	Weſt-Meath,	344.		362.
	KING's County,	194.		554.
	QUEEN's County,	132.		118.
	Downe,	80.		534.
	Armagh,	24.		
	Antrim,	214.		

To all whoſe *Eſtates*, but *Ninty-One*, or thereabouts, the Marquis of *Antrim*, and his *Lady*, were Reſtored.

By this *Account*, which (for the *Counties* nam'd) is True, (only ſome of the moſt conſiderable

Proprietors are Return'd in ſeveral Places, and ſome of them are likewiſe Out-law'd more than once) it appeareth, there were but few Landed Men in *Ireland*: And further, That in the firſt *Five Counties*, where the *Rebels* could in any manner be Proceeded againſt, *Seven Hundred Ninty Nine* were Indicted, or Out-law'd, more than the full Number of the *Proprietors* amounted to.

There were *Two Commiſſions* Iſſued out by King *Charles the Second*, for the *Reſtoring of Innocents*.

The *Firſt* was upon the *King*'s *Declaration*, dated the 30*th*. of *October*, 1660. Although theſe *Commiſſioners* ſate ſeveral Times; yet not above Two or Three of the *Iriſh Nation* ever ventur'd to make out their *Innocence* before *Them*.

The *Second Commiſſion* was granted to *Perſons*, upon whoſe *Nomination* the *Britiſh* in *Ireland* cannot pretend to have the leaſt Influence. Though *They* were as favourable to the *Iriſh Nation*, as *They* could, with any colour of *Juſtice*, muſt be allowed; yet the *Iriſh* were ſo ſevere to the *Engliſh*, that They complain'd of *Them* to the *Parliaments* both of *England* and *Ireland*.

The *Commiſſioners* publiſhed *Rules*, dated the 22*th* of *October*, 1662. by which they declar'd in what *Order they would hear the Pretenders to* Innocency,

cency, *in the ſeveral Counties of* Ireland: But theſe *Innocents* had then ſo ill an Opinion of *Themſelves*, that not many of *Them*, after much Delay, durſt come to *Tryal*.

The Firſt *Publick Sitting* upon this *Commiſſion*, was the 13*th*. of *January*, 1662. and ſo few were there then ready, (although the whole Proof was put upon the *Britiſh*) that in the Firſt Month there came on but *Forty Five*; amongſt which were ſeveral *Engliſh Proteſtants*; and of the reſt, *Seven* declar'd *Nocent*, and Diſmiſs'd.

In the Second Month there came on *Sixty* to Trial; of which *Seven* were *Nocents*, and Diſmiſs'd.

In the Third Month came on *Eighty Five*; of which *Five* were *Nocents*, and Diſmiſs'd.

By this Time ſeveral of the *Claimants* (as hath ſince fully appear'd) had contracted with Men of *Intereſt*, to carry on their *Claims*; and had contriv'd *Settlements*, whereby they might avoid *Prejudice* from the *Guilt* of their *Anceſtors*: So that many ventur'd with more *Confidence*; and *Six Hundred* and *Thirty* Claims more were heard in the remaining Five Months, that the *Commiſſioners* ſat; of which many belong'd to *Proteſtants*; and ſeveral were declar'd *Nocent*, and Diſmiſs'd.

It is further obſerved, That the firſt *Claimant* was declared *Nocent.*

That of thoſe declared *Innocent*, there were about *Eighty* of the moſt conſiderable for *Quality* and *Eſtates*, who derived their *Titles* from *Perſons* acknowledged to be *Guilty* of the *Rebellion* by the *Settlements*; concerning many of which, it may be ſaid truly, *That they were not in common Method.*

I ſhall come to the latter part of this *Objection*, *That there was not Time enough for all* Innocents *to bring on their Tryals*; although, by what hath been ſaid before, it is apparent, they had much more Time then they made uſe of; yet this is further to be offered:

At the *King's Return* in 1660. a conſiderable part of the *Kingdom* of *Ireland* was to be *Settled*: Matters of ſuch Weight cannot admit of long Delays; all Perſons agreed, *That* Innocents *were firſt to be reſtored; there muſt be a fixt Time for their Reſtitution, all other Intereſts being obliged to attend it.* All that knew thoſe *Times*, and how univerſally the *Rebellion* had ſpread it ſelf, knew there could but few pretend to *Innocency:* Thoſe that were really ſo, or hoped the contrary could not be proved, were earneſt to be in their *Eſtates*; and there-

therefore, at the desire of their *Agents*, the first Period for the *Restitution* of *Innocents*, by the *King*'s *Declaration*, dated the *30th.* of *Nov.* 1660. was the second of *May*, 1661. This gave them but five Months *Time:* And the first *Commissioners* proceeded the next day after the day of the *Declaration*, which is three Months less than afterwards made use of.

The next *Period* was to the first of *August*, 1662. and that was at the desire of their *Agents*, by the *Act of Settlement*, which passed at a *Session* which began the 17. of *April*, 1662. Here they had but *Three Months* given them; and nothing was done, in relation to them, in it. Thus, by an *Act of Parliament*, and their own *Neglect*, they would have been finally debarr'd, had not the *Parliament* of *Ireland*, (of which they now so much complain) not being discouraged by the prejudice it brought to many of its *Membres*, freely passed an *Act*, giving *Innocents* a *Year* further to be heard: *Four Months* of which *Time* were trifled away by them, and the other *Eight* Imployed in the manner before-mentioned.

A *Third Objection* to the *Act of Settlement*, is, *That they had not perused King* Charles *the Second's* Declaration *of the* 30th. *of* Nov. 1660. *upon which they*

were grounded; ſeveral of the Iriſh *Nation being provided for by that* Declaration, *which now are never likely to receive the ſatisfaction intended them by it.*

Anſwer. A Complaint the *Declaration* is not comply'd with, implies their now *Acquieſcence* in that way, which formerly they *Oppoſed* with great Heat; but if the *Declaration* be not *Peruſed*, the *Engliſh* are in no *Default*; they themſelves are great *Looſers*; many of the *Adventurers* and *Soldiers* want much of the ſatisfaction, which by the *Declaration* they ought to have had: Many of their *Eſtates*, which ſhould have come clear to their *Poſſeſſion*, are ſubject to great *Incumbrances*; and ſeveral of them are daily threatned to have all they had ſet out, for their *Adventures* and *Arrears*, taken from them by Dormant *Titles*, lately ſet up by *Iriſh Proprietors*, declared *Innocent* by this, without any hopes of *Reprize*.

By the *Declaration*, *Souldiers* and *Adventurers* were not to be removed from the *Eſtates* of any but *Innocents*, without a previous *Reprize* of equal *Value*, *Worth*, and *Purchaſe*; and, if in caſe their Removal from the *Eſtates* of *Innocents*, they were to be further *Reprized* in the ſame manner.

Removed they were indeed, by the *Commiſſioners*, upon the Firſt *Act*, from the *Eſtates* of *Innocents*

cents and others; but no care was taken, by them, on that *Act*, for their ſatisfaction.

By the Second *Act*, the *Britiſh*, notwithſtanding what they had loſt to *Innocents* (to the end that all the *Iriſh Intereſts*, that the *King* ſeemed to have a *Favour* for, by the *Declaration*, might reap the benefit by Him intended them) were contented (beſides ſeveral great *Payments*) to part with a *Third Part* of their *Eſtates*; by which means many of the *Iriſh* have, and many more of them might have had ſatisfaction, had not the *King* thought fit to direct the Inſerting of ſo many *Proviſo's* in the *Act of Settlement*, for *Perſons* of the *Iriſh Nation*, that could not prove their *Innocency*, and others, that at that *Time* of his *Reſtauration*, had not the leaſt claim to *Iriſh-Lands*: His granting, likewiſe, of vaſt quantities of *Forfeited Lands*, by *Letters Patents*, not grounded on the *Act of Settlement*, have been the occaſion that ſeveral of the *Intereſts*, provided for by the *Declaration*, are become deſperate.

Having, as I hope, cleared the *Juſtice* of the *Settlement*, by the *Anſwers* to the *Objections*, made by the *Iriſh*, againſt it, and what elſe I have before offered; I ſhall proceed to conſider, *Whether it can, at this Time, be juſtly broken; ſuppoſing*

that at firſt ſomewhat might reaſonably have been alledged againſt it?

Three *Years* after the *Commiſſion* for declaring *Innocents*, were over, and after the *Iriſh Parliament* was *Diſſolved*, about the Year 1667. moſt of the *Forfeited Lands* in *Ireland* were ſettled by *Letters Patents*, in the *Poſſeſſion* of ſuch of the *Iriſh*, as by *Commiſſioners*, appointed to put in Execution another *Act of Parliament* for explaining the *Act of Settlement*, were adjudged to have right to the ſame. Since this Adjudication of *Right*, and paſſing of *Letters Patents*, being near *Twenty Years*; there have been general alterations of *Titles* and *Poſſeſſions*, for good and valuable conſiderations; ſo that, ſhould the *Settlement* now be broken, multitudes of *Purchaſers* and *Mortgagers* for great Summs of *Money*, *Settlements* upon *Marriage*, where conſiderable *Portions* have been received; *Leaſes* for *Lives* and *Years*, where *Fines* have been paid, and advantageous *Improvements* have been made, will be divided, and that without any Default in them that have dealt with the *Patentees*. If it be Objected, *That Men Buy at their Hazzard, and* Purchaſers *are to look to their* Titles *of what they deal for*: This is not of Weight in this Matter; for no Man could ſuſpect the Legality

gality of theſe *Eſtates*, if he conſidered that they were confirmed by *Acts of Parliament*; and had been always, when brought into Diſpute, adjudged good by the *Judges*, in the ſeveral Courts of *England* and *Ireland*.

Moſt part of the *Britiſh Titles* in that *Kingdom*, have depended upon *Acts of Parliament* of the like nature: The *Plantations* in the Counties of *Wicklow*, *Kilkenny*, *Wexford*, &c. upon an *Act* made 15. *Jo.* 16. The whole *King* and *Queens* Counties are ſettled by an *Act* made 3. and 4. *Ph.* and the *c.* 2. A *Statute* made the 11. of *Eliz. c.* 1. and *Seſſ.* 3. is the Foundation of all thoſe *Plantations* in the *Province* of *Ulſter*. Theſe *Acts* barr the *Iriſh Proprietors* for former *Rebellions*, without any *Tryal* of *Innocents*; ſome few particular *Perſons* being only taken notice of in them.

It was many *Hundred Years*, before the *Natives* could obtain to be allowed the benefit of the *Engliſh Laws*: Now they enjoy this *Advantage* by the favour of our *Kings*, they will never *Acquieſce* in them.

They waited for an opportunity to deſtroy all former *Settlement*, as well as they do the preſent; and by the *Articles of Peace*, they ſtipulated for *Liberty*, notwithſtanding the forementioned

Laws to deſtroy the former *Plantations* in *Kilkenny*, *Wicklow*, &c. *Munſter* and *Vlſter* they could not but allow; they could not but allow the *Laws* they were grounded on, whilſt in force, ſufficient; but they reſolved to Repeal them, in what they ſtiled a *Free-Parliament*; which, according to their *Articles of Peace*, was to be called, when they had moſt part of the *Kingdom* in their hands, and a ſtanding *Army* of 15700 *Horſe* and *Foot*, of their Confederates: *God* grant their *Deſigns* be not the ſame, in this preſent conjuncture.

The Legality of the *Acts of Settlement* are not doubted, at leaſt-wiſe the *Britiſh* are ſatisfied to reſt on them: By their *Objections* they declare, *They intend their Repeal*; and yet five Parts of ſix of the *Free-holders*, and the *Major part*, by much of the *Corporations* in that *Kingdom*, conſiſt of *Perſons* concerned, that the preſent *Settlement* ſhould continue as it is; ſo that it is impoſſible for them, unleſs the *Kingdom* be in ſuch a condition as it was when they made thoſe *Articles*, to have ſuch a *Parliament* as will anſwer their *Deſigns*.

Engliſh Roman Catholicks have been of another Temper: The *Statutes* made in H. the *Eighths Days*, whereby *Church* and *Abby-Lands* were given to the

the *Crown*, cannot but be eſteemed by every *Roman Catholick*, to be more againſt the *Rules* of *Juſtice*, than thoſe *Acts of Settlement*: they are point blank againſt the *Canons* of the *Roman Church*; no general *Guilt* was caſt upon the *Proprietors*, no *Innocents* eſcaped: The *Lands* were certainly deſigned for *Pious* and *Charitable* Uſes; and yet the *Parliament* in *Queen Maries Days*, had ſuch a regard to the *Peace* of the *Kingdom*, to *Purchaſers* for valuable *Conſiderations*, and to *Laws* formerly *Enacted*, that the *Statutes* for *Diſſolution* of *Religious Houſes*, &c. tho' but lately made, were confirmed at that *Seſſion*.

As *Purchaſers* had no reaſon to queſtion the Legality of theſe *Acts of Settlement*; ſo, likewiſe, was there no cauſe to doubt its *Equity*, when the *Forfeiting Perſons* themſelves, to thoſe that claimed by the *King*'s *Letters*, or as *Nominees*, or by *Proviſo*'s, &c. in the *Acts*, were contented to take part of their *Eſtates* of *Lands*, *Forfeited* by the *Rebellion*, and diſpoſed of to them, by thoſe *Acts*; ſo waving their former *Titles*, ſeveral *Forfeiting Perſons*, who had the *Land* of their *Country-men* in *Connaught* given them by the *Uſurper*, kept thoſe *Lands* to their own uſe; and have ſince paſſed *Letters Pattents* for them, as *Forfeited* by the late

Rebellion, without any Compunction whatſoever.

Laſtly, His late *Majeſty* was pleaſed to take very great *Summs of Money* from the *Britiſh Patentees*, for their *Confirmation*; and His *Sacred Majeſty*, that now is, hath ever ſince the *Year* 1662. received the *Profits* of a conſiderable part of the *Forfeited Lands*; which, who could have imagin'd they would have done, had they not thought thoſe *Lands* might be enjoyed with a ſafe *Conſcience*.

It is further conſiderable, That to deſtroy the *Settlement* at this *Time*, would Ruine multitudes of *Families*, both in *Corporations*, and the *Country* that depends upon it; ſome of which conſiſts of *Souldiers*, ſent thither ſince King *Charles the Second*'s *Reſtauration*, & ſettled there, tho' now *Disbanded*; others, in great numbers, have been brought over by the encouragement of an *Act of Parliament*, made the 14*th* of *Charles* the *Second*, and ſeveral Orders of *Council* grounded on that *Law*.

Certainly, it would be a breach of *Faith*, and common *Humanity*, to undo thoſe who have done nothing to deſerve ſo ſevere a *Puniſhment*.

It is now time to make ſome Reflections on the *Coventry Letter* and *Pamphlet*, Intituled, *The Sale and Settlement of* Ireland. And

And first for the *Coventry Letter*. The design of it seems to be, to advise against the Issuing any *Proclamation*, to declare, *That the King had no Intention to touch the Acts of Settlement, but would confirm them:* Many Politick *Arguments* are used in it, which lye not in my way: But if His *Majesty* had been pleased to have declared His Intention, *Not to break the Act of Settlement*, it would have given great satisfaction to most of His *British* Subjects; who, tho' they do not mistrust His *Justice*; yet cannot but be much *Disquieted*, by the frequent *Threats* they receive from those that pretend to their *Estates*, & the unreasonable and false grounded *Objections* of others, against those *Acts*.

Neither had such *Proclamation* been without *President*; for *January* 24. 1672. a *Proclamation* Issued; by which *King Charles the Second* (to take off a Malitious *Suggestion*, diffused amongst His *Subjects* in *Ireland*, *That He did desire to weaken the Acts of Settlement*) doth declare, *That it never entred into His Heart, either by His late Commission for Inspection, or by any Indulgence granted to His* Roman Catholick *Subjects to live in Corporations, any-wise to Infringe the said Acts.*

The *Gentleman's* chief *Arguments* are against His *Majesty's* declaring any *Intention* to confirm

thoſe *Acts*; which, he Inſinuates, would be againſt *Juſtice* and *Religion*.

Indeed, I believe, had His Majeſty declared, *Not to ſuffer the Acts to be broken*, moſt Men would not have deſired any *Promiſe* of *Confirmation*; for they now think their *Eſtates* as fully ſecured to them, as *Laws* can do it. However, His *Majeſty*, in His ſeveral *Declarations* for *Liberty of Conſcience*, in *England* and *Scotland*, hath promiſed to maintain His *Subjects* in the Poſſeſſion of *Church* and *Abby-Lands*; and yet it is poſſible, this *Gentleman* might uſe ſome of his *Argumenns* againſt thoſe *Titles*.

The *Gentleman* layeth down for a Principle, *That nothing can ſupport the* Catholick *Religion in* Ireland, *but to make the* Catholicks *there conſiderable in their Fortunes, as they are in their Numbers*; *which muſt be the only Inducement can prevail with a* Proteſtant *Succeſſor to allow them a Toleration, as to their Religion, and a Protection to their Eſtates; and that their having all Imployments, cannot prevent this danger.*

This muſt be acknowledged to be a terrible conſideration to the *Britiſh* in *Ireland*; *That nothing can make the* Roman Catholick *Religion conſiderable, but breaking the Settlement, and giving the* Iriſh *the Lands the* Britiſh *now lawfully enjoy*: But I have a much

much better Opinion of that *Religion*; and am confident, That many, who profeſs it, are not of this *Gentleman*'s Mind. We ſee there are ſome Men, that will not eaſily be ſatisfied; *Favour, Imployments*, nor *Free-Liberty* in the Exerciſe of their *Religion*, will not ſatisfie them; *They* will have *All*, or *Nothing*. Our whole Confidence, therefore, reſts in our *King*'s *Juſtice*; who, we hope, will never be perſwaded to take away the *Eſtates* of thoſe, who are Guilty of no *Offence* againſt His Laws, upon any pretence whatſoever.

The Gentleman advanceth; *That new Eſtated Men would freely part with great Sums, and a conſiderable part of their Lands for a Confirmation.*

That theſe new *Eſtated Men* would be as ready to lay their *Lives* and *Fortunes* at His *Majeſties Feet*, as any *Subjects* He hath in that *Kingdom*, is a *Truth* Tryal would quickly *Juſtifie*: But their *Eſtates*, if *Laws* can ſecure them, they have already as well *Worded*, as they can deſire: If they ſhould Purchaſe another *Confirmation*, they are well ſatisfied, a *Parliament*, conſtituted of the *Principles* with this *Gentleman*, would ſpeedily *Repeal* it, could they procure His Majeſties *Conſent*; which, I hope, they will never do, to the prejudice of the *Act of Settlement* now in Being.

Here I cannot but remember with Honour, the care our *Engliſh* Anceſtors had for ſuch as ſhould come after them, for the Securing this *Kingdom*; They had obſerved, that not only the meer *Iriſh*, but the *Antient Colonies*, had no kindneſs for the *New Engliſh*; but the frequent *Acts* of *Reſumption*, paſſed in their *Parliaments*, had avoided new *Grants* made to *Engliſh-men* for conſiderable *Services*: For this, and other *Cauſes*, that *Act* was procured, with great Wiſdom, by Sir *Edward Poynings*, then Lord Deputy, the 10. *Hen.* 7. by which it is Enacted, *That no Bills can be offered to a Parliament in* Ireland, *before they have been approved by the King in* England: This Law, tho after attempted by the *Natives*, continues unrepealed, and is our preſent *Security*; who are confident, the *King* is too Juſt, ever to ſend a *Bill* into that *Kingdom*, to take from many Thouſands of His *Britiſh Subjects*, that which they now enjoy by *Law*.

The *Gentleman* ſeems to be very hard upon the Memory of the late *King*, when he diſplayeth his *Rhetorick*, to ſhew how contrary to *Zeal*, *Piety*, and *Juſtice*, it would be for His preſent *Majeſty* to confirm the *Acts of Settlement*; reflecting thereby upon King *Charles the Second*, that Acted contrary to *Zeal*, *Piety*, and *Juſtice*, when he made thoſe

thoſe Laws. Queſtionleſs, our preſent *Soveraign*, will, upon all Occaſions, vindicate the Honour of his *Brother*; and I hope, He will think no way ſo proper, in this particular, as by Protecting that *Settlement*, which His *Brother* Eſtabliſh'd.

The *Gentleman* hath, it ſeems, an expedient to help all *Matters*, and yet he thinks fit to offer ſome in ſhort, which I fear too, are the beſt of his *Intentions*, altho' of a ſtrange Nature.

He would have His Majeſty *Condemn Laws*, as *Defective*, before any Perſon hath been heard in their *Defence*; and after his *Judges*, upon all occaſions, have judged them ſufficient.

He would have the Clauſe, concluding the *Claims* of thoſe not yet adjudged *Innocent* Rectified, (whereby, I preſume, he means *Revoked*) by which, the Perſons concern'd in the *Lands* formerly *Forfeited*, muſt, near *Fifty Years* after the *Rebellion*, be put to prove the *Offences* of particular *Perſons*; ſeveral of whoſe *Deſcendants* act at preſent, in conſiderable *Civil* and *Military Imployments*; and ſome of them now, endeavouring to take off the *Outlawries* of their *Anceſtors*.

Theſe are things ſo Unreaſonable, that certainly they will never be hearkened unto, where they expect they ſhould.

At laſt, *He doubts not, but Matters may be adjuſted at the next Sitting of Parliament*; but what *Parliament* he means, I cannot gueſs: if he means an *Iriſh Parliament*, freely and fairly Elected, he knows, That more than four Parts of five of it, muſt conſiſt of Perſons that will not break the *Settlement*: If he means ſuch a *Parliament* as the *Iriſh* deſigned, when they made the *Articles* in 1648. I am ſatisfied, few of the *Britiſh* muſt expect to continue in the *Poſſeſſion* of any thing they now *Enjoy*, unleſs His *Majeſty* be graciouſly pleaſed to Interpoſe. Certainly, he does not think of the *Engliſh-Parliament*, his Country-men (againſt all Reaſon and Preſidents) not admitting, That *Laws* made in *England*, bind that *Kingdom*: But if he would have the *Engliſh-Parliament* Reconcile all *Differences* between us, I ſee no reaſon why the *Britiſh* ſhould not Acquieſce, if it have His *Majeſties* Approbation.

I am come now to the *Pamphlet*, called, *The Narrative of the Sale and Settlement of* Ireland; but am reſolv'd to take no further notice of it, than to reflect on ſome few *Matters of Fact*, by which, the Truth of the whole *Paper*, (and what ſort of *Adverſaries* we have to deal with) may appear.

The *Author* makes an enumeration of the ſeveral

veral Counties of *Ireland*, and tell us, *Pag.* 4. *That in the Year* 1653. *Ten Counties were allotted to the Adventurers, Twelve conferr'd on* Cromwell's *Soldiers, Three given to Tranſplanted* Iriſh, *and Seven reſerved to the Common-wealth.*

The firſt miſtake (and that a wilful one too) is, that he affirms, That the *Counties* were thus diſpoſed; whereas it was only the *Land Forfeited* by the *Rebellion*, in thoſe *Counties*; *Church-Lands*, *Proteſtant Lands*, *Conſtant*, *Good*, *Affectionate Mens Lands* were not diſpoſed; and the *Intereſts* of thoſe were ſo conſiderable, That not a fourth Part of the Province of *Ulſter* was Forfeited.

His next *Error*, which ſure proceeds from *Ignorance*, is, *That Ten Counties were given to Adventurers*, whereas it is notoriouſly known, they had but the Moiety of the *Forfeited Land* in *Ten Counties*, of which, near the half of that hath been ſince taken from them.

Pag. 5. He ſays, *Five Hundred Gentlemen, that Served the King in* Flanders, *are named in the* Declaration: Let him reckon again, and he will find but *Two Hundred Twenty Two*; this is well ſtretcht; yet the modeſteſt miſtake in his *Paper*.

Pag. 6. He affirms, *That taking off the Engagement, which* (he ſays) *the* Iriſh *were forced to do on pain of*

Death, by Cromwell's *Army was made a Qualification of* Innocency, *that none that had taken it, could be declared* Innocent. And by this *Qualification*, he leaves his *Reader* to judge of the reſt, aggravating the Matter with much *Rhetorick*.

Certainly, this is a *Falſhood* ſo apparent, ſo eaſily diſcovered, that no Man that valued his *Credit*, would alledge it; 'Tis as *Wilful*, as 'tis *Malitious*: Had he reckoned the *Qualifications* in the *Act of Settlement* right, they are as he ſays, but not any thing of the *Engagement*, or any thing like it, amongſt them. I believed the occaſion of this was, he had told the World, That the *Qualifications* were ſo *Severe* and *Rigid*, that ſome thought it Morally impoſſible to find an *Innocent*; and yet, when he came to conſider them, he could pick out but *One* to *Cavil* at, and that put him upon this Notorious *Invention*.

Pag. 7. *Few of the* Iriſh *Peers were admitted to Sit in the Houſe of* Lords, *under pretence of former* Indictments.

Many of the *Iriſh Peers* Sate, none were excluded upon pretence of *Indictments*, unleſs they were alſo attainted of *High-Treaſon*.

Pag. 7. *The Act of Settlement, alloweth only Twelve Months time to the Tryal of Innocents.*

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The *Act* passed at a *Cessation*; which begun the 17*th*. of *April*, 1662. The time for the *Tryal* of *Innocents*, was to be the first of *August*, 1662. By this it appeareth, there was not near a Years time for their *Tryal*; so that this mistake in this place, seemeth to be to the disadvantage of his *Friends*. But he had a further *fetch*, he resolved not to own the kindness that the then *Parliament* of *Ireland* shewed those that pretended to *Innocency*, giving them (after the time for their Tryal, by this *Act*, was expired) a year further, by another *Act*, being all they desired.

Pag. 8. *The Commissioners began their first Sitting the first of* February.

This Man hath so perfectly fallen out with *Truth*, that it is impossible ever to reconcile them. The *Commissioners* began the *Tryal* of *Innocents* the 30*th*. of *January*, 1662. They heard *Twenty Seven* considerable *Claims* before the first of *February*; and might have heard many more, had the *Claimants* been ready.

Pag. 10. *The Fifty Two* Nomenoes *have not yet got Possession of a Cottage of their Ancient Estates.*

This is false; many of them have got a considerable part of their *Antient Estates*.

Pag. 15. *Since the Cessation of Arms, concluded in*

 the

the Year 1643, *there was no more Fighting between His Majeſty's* Proteſtant *and* Roman *Catholick Subjects.*

Here he juſtifies the breaking of the *Peace* in 1646, and the Wicked and Malitious *Actions* of the *Nuntio's* Party, the attempt upon *Dublin* by *O Neile* and *Preſton*, Excommunicating all that adher'd to the *King's Authority:* All which, was, it ſeems, in this *Gentleman's* Thoughts, no *Fighting* againſt the *King.*

Pag. 18. In this place he takes confidence to fix upon this *King*, when *Duke of York*, a foul Aſperſion; by ſaying, *The Lands of* Miles Corbett, *and other the Regicides, now in His Majeſty's Poſſeſſion, by Vertue of the Act of Settlement, were ſet out to thoſe Regicides, for no other Service, but the Sentence of Death they gave againſt King* Charles *the Firſt:* Which is a moſt groſs *Falſhood*; for theſe *Perſons* had theſe *Lands* His *Majeſty* now enjoys, for *Adventurers, Arrears, Proviſions*, and other Conſiderations, common with them and others; and not as a *Reward*, for Murdering the *King.*

Pag. 19. *By the Inſurrection, Four Hundred* Engliſhmen *could not be found Murdered in* Ireland; *as appears by the Proceedings yet extant in* Dublin.

'Tis certain, for all this Affirmation, That there were *Examinations* taken, by Vertue of the *King's*

King's Commiſſion, under the great *Seal* at *Dublin*; which prove the *Murder* of many *Thouſands* of the *Britiſh* in *Ireland*, at the firſt *Inſurrection* or *Rebellion*, which you pleaſe.

Pag. 19. *The Peace in* 1648, *was no ſooner Publiſhed, than all the Garriſons, Cities, and Magazines of the* Iriſh, *were put under the Command of the King's Lieutenant.*

This is not ſo; the *Confederates*, by the *Articles*, reſerved them in their own Power and Poſſeſſion. The *Story* is too well known, how his Grace the *Duke of Ormond* (a Perſon of Eminent *Loyalty*) was moſt falſly abuſed in this *Libel*, then the *King's Lieutenant*; and how he was uſed at *Limerick*, *Waterford*, and *Gallaway*, needs not be repeated.

Pag. 19. *Notwithſtanding the Confederates were offered any Conditions by the* Uſurper, *and Courted by the Parliament.*

The *Confederates* were never offered any *advantagious Conditions* by the *Uſurper*; it is known, he abſolutely denied the *Exerciſe* of their *Religion*. I wiſh ſome body, to convince the *World*, would give an Account of thoſe favourable *Conditions*, refuſed from the *Uſurper*, and of the glorious *Courtſhips* beſtowed on them by the *Parliament*; which are yet *Secrets*.

Pag. 20. *Solicited by ſome Neighbouring Potentates.*

There is good *Evidence*, they Solicited *France*, *Spain*, *Rome*, and *Lorrain*; but that They were Solicited, is not generally known: It had been well, if the *Author* had nam'd the *Potentates*.

Pag. 22. *Moſt of the Young Nobility and Gentry having followed His Majeſty into Foreign Countries.*

The *Iriſh Gentry* is very numerous: No Man was ever a *Proprietor* of *Lands*, or related in any degree to, or of the Name of a *Proprietor* in that *Country*, but he is eſteemed a *Gentleman*. What a Noble *Army* would the greateſt of theſe have amounted to? at leaſt *Thirty Thouſand*: And yet this very *Author*, a few *Pages* before, told us, *There were but Five Hundred Gentlemen with the King in* Flanders; and over-reckon'd them, too by more than half.

It is certain, many *Iriſh Gentlemen* Served the *King* beyond *Sea*, who deſerve much Praiſe without enquiring, how many were forced to go over by their *Articles* with the *Uſurper*: I have peruſed a Liſt of thoſe *Gentlemen* in His *Majeſty's Declaration*, of the 30*th*. of *November* 1660. and find them to be *Two Hundred Twenty One*; of which, there are of *Original Iriſh Families One Hundred Thirty Eight*; and of the *Old Engliſh Eighty Three*: There is not of that Liſt one *Flem-*

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ming, *Nugent*, *Barnwel*, *Tyrrel*; and only Mr. *Nicholas Plunket* of *Dunſhaghlin*, of the Sirname of *Plunket*; whereas there are many more *Gentlemen* of thoſe Names, than the whole number in that *Declaration* amounts to. From whence it follows, That the *Author* is groſly miſtaken in his *Aſſertion*.

Pag. 26. *Preſbyterian Lords, Juſtices, Depoſed and Impriſoned by the King's Command.*

There were no *Lords, Juſtices, Impriſoned* by the *King's Command:* This is a *Romance*, like the reſt. Here I cannot paſs by that which is common to this *Author*, (with many of his *Country-men*) the fixing upon all the *Britiſh* in *Ireland*, the odious Appellations of *Preſbyterians*, *Phanaticks*, and *Cromwellians*: It hath been a Practice There formerly to call the *Engliſh* there amongſt them, by thoſe (they eſteemed moſt Scandalous) *Names*, given to any of the *Nation*; as in 1641. they were all ſtiled, *Puritans:* For my part, I do not think it fit to beſtow the title of *Rebels*, *Nuntioiſts*, ſo freely amongſt them; and yet, they muſt remember, that the Faults of the *Engliſh*, who ſwerv'd from their Duty, are forgiven, and all Men forbidden to upbraid them, by an *Act of Oblivion*, which They cannot yet pretend to.

Pag. 27. *The Earl of* Clarendon *made it his Buſineſs to Exalt the* French *King.*

This is a high touch of *Malice*: Rather than he will not rail againſt the *Earl of Clarendon*, he will take occaſion from that *Earls* pretended Kindneſs to the *French King*. I am apt to believe tho', that he is out in this particular: But that ſome of his *Country-men* has had a greater Kindneſs for that *King*, will appear by an *Authentick Piece*, I have put at the end of this *Paper*.

The *Author* has thought it fit, (through his whole *Pamphlet*) to caſt moſt falſe and ſcandalous *Aſperſions* upon *Perſons* of great *Honor* and *Integrity*; of which I ſhall take no further notice, but leave him to *Scorn* and *Contempt*; which thoſe Noble *Perſons* have hitherto judged the beſt *Anſwer* to his *Libel*; only obſerving his unparallel'd *Impudence* and *Malice*, in charging the late *Earl of Clarendon* (whoſe many *Juſt* and *Famous Actions* will make him *Famous* to *Poſterity*) with abominable *Calumnies*; and that without any regard to *Truth* or *Probability*, or Reſpect to the *Royal Family*; to which He was ſo nearly Related.

By

By this *Pamphlet*, and other *Books*, Printed both at *Home* and *Abroad*, the Conditions of the *Iriſh Nation* is deſcribed, as the moſt *Miſerable* and *Oppreſſed*, as any *People* were ever in, under the Sun.

I could not ſee what happened during the *War*; yet have reaſon to believe, ſome of them did more Miſchief, than they could ſuffer: But, ſince King *Charles the Second*'s *Reſtauration*, they have no occaſion to complain; they have been equally *Protected* by the *Law*; The free *Exerciſe* of their *Religion* hath been conniv'd at; There have ſtill been *Pariſh Prieſts*, in every *Pariſh*, competently maintained by the *Iriſh Farmers*; which the *Britiſh Landlords* ſuffered, to their great Diſprofit, when *Diſſenting Proteſtants* have been ſeverely *Proſecuted*, eſpecially in the *Province* of *Ulſter*, and *Indicted* as *Rioters*, for *Religious Aſſemblies*: Great and frequent Meetings at *Maſs*, have not been taken notice of: They have been allowed to keep the *Holy-Days* of their own *Church*, and not forced to obſerve thoſe of the *Proteſtants*, I mean the *Twenty Ninth* of *May*, nor the *Thirtieth* of *January*, which, I never could hear they minded.

The poor ſort of *Labourers* and *Farmers*, in their own *Opinions*, lived better *Lives*, than ever their *Anceſtors* knew; receiving *Wages*, and having *Terms* of the *Land* they *Manured*: Thoſe ſort of *People*, being the moſt numerous, wiſht, without doubt, in their *Hearts*, for the Continuance of the preſent *Settlement*.

The *Artificers*, *Tradeſmen*, and *Merchants*, were admitted freely to follow their reſpective *Callings* in *Corporations*; if there were *Laws* to the contrary, they were not put in *Practice*.

The *Proprietors* amongſt them, which proved their *Innocency*, were Reſtored to their *Poſſeſſion*, without further Suit at *Law*; and, for the moſt part, found their *Land* in better condition, than when they loſt them: All difficulties in the *Act of Settlement*, have been judged in their *Favour*: Abundance of great *Eſtates* have been Reſtored to ſeveral of them, who never proved their *Innocency*; nay, ſome of them have large Grants of the *Forfeited Lands* of their *Country-men*. The moſt of the *Forfeited Lands* in the Counties of *Galloway*, *Clare*, and *Roſcommon*, are given to ſuch *Proprietors*, who loſt their *Eſtates* in other Places; with this particular Favour, That if any of them

them, before he had paſſed a *Patent*, had conveyed his ſhare to a *Proteſtant*, the *Purchaſer* was obliged to retrench a *Third Part*, towards the ſatisfaction of thoſe *Iriſh*: But if the *Iriſh Proprietors* kept his Proportion, he was allowed a *Patent* for the Whole.

All *Free-holders*, without diſtinction, were admitted to paſs on *Juries*; to be *Electors* of, or *Elected Parliament-men*; and none excluded out of the *Houſe of Lords*, for *Religion*.

I ſay nothing of their preſent *Condition*, not having been lately *There*; but, certainly, had they continued as they were, they have not much reaſon to exclaim.

There are other *Arguments*, againſt breaking of the preſent *Settlement*, of more conſequence than any herein mentioned; which I purpoſely omit, as not proper for me to meddle with: Yet, I cannot conclude, without remembring, once more, the *Opinion* of *James*, late Earl of *Caſtle-haven*; who was himſelf, not only a *Roman Catholick*, but one of the moſt conſiderable of the *Confederate Roman Catholicks* of *Ireland*; and one that knew their *Deſigns*, as well as any amongſt them:

He then has declared, *That it was moſt probable, that if the* Nuntio's *Party, in the Year,* 1646. *had had all* Ireland, *it would have remained ſeparate from* England *for ever*: Which *Nuntio*'s Party, at that *Time*, conſiſted of all the *Confederate Roman* Catholicks in *Ireland*, except this Earl of *Caſtle-haven*, and ſome few others.

FINIS.

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but of certain Truth; as many could well remember, that were living when the *Act* was agreed upon: And the *Irish Agents* then disputed all particulars, where they had the least pretence of Denyal; yet these things were made good to their Faces, and by the late King, directed to be inserted as the Foundation of the intended *Settlement*. The *Act* likewise that passed the 14 of King *Charles* the Second, *Cess.* 23. *For the keeping the* 23. *of* October 1641. *To Seize the Castle and City of* Dublin, *and all other Cities in the Realm, To cut off all the* English *in that Kingdom, and to deprive* King Charles *the First of His Crown and Soveraignty.*

Secondly, The *Irish* do acknowledge, that there was a *Cessation*, a *Peace* made 1646, and another in 1648. between Them and King *Charles* the First, or those *Authorized* by Him: *Doth not this necessarily Imply a War?* and what is a *War*, by *Subjects* managed against their lawful *King*, but a *Rebellion?*

These Transactions were in the *Names of the General Assembly of the Confederate Roman Catholicks of* Ireland; which comprehended the whole *Nation*: And if any of the *Irish Confederates* declared themselves against this *Assembly*, as not included in it, let those that know them, Name them for their *Eternal honour*.

The

Thirdly, The *Rebellion* was so General, that in seven Counties of the Kingdom, by the beginning of the Year 1642, there were 3000, *Outlawed* for *High Treason*, In eleven other Counties, there were at least 3000 *Outlawed* for their *Rebellion*, but the Power of the *Rebels* was so Great, that they could not be *Outlawed*: And as for the whole Province of *Connaght*, the Counties of *Tippeary*, *Limerick*, and *Kerry*, and the rest of the *Kingdom*, the Defection was so Universal, that the King had neither *Sheriffs*, *Coroners*, nor any other Ministers of *Justice*, to proceed against the *Delinquents*.

Fourthly, The *Oaths* of *Association*, That the *General Assembly*, and *Supream Counsil*, oblig'd persons within their Power to take, directing them to be Administred by the *Clergy* in every Parish, could not but Involve all that lived within their Quarters (which, first or last, were almost over the whole *Kingdom*) in an equal *Guilt*, unless preserv'd by *Miracle*. And if there be any such, the Naming of them would give the World much Satisfaction.

Certainly, from these *Particulars* considered together, we may be satisfied of the *Truth* of that *Expression* in the *Act of Settlement*, That the *Rebellion*

 spread

spread it self universally over the whole Kingdom.

I shall say nothing of the *Barbarous carriage* of the *Irish*, at the breaking out of the *Rebellion*, to persons that had given them no *Provocation*, which appeared by several *Examinations* taken upon *Oath* by vertue of the *Kings Commission*, when things were fresh in *Memory*. This only may be desired from those who deny any of the *Relations* published of those *Cruelties*, to name the *Places* where any of the *British* were permitted to Live in *Irish Quarters*, before the *Cessation*; but were *Murdered*, or utterly *Ruin'd*. Many have been *Inquisitive*, but could never hear of any one *Family* that escaped them unhurt, unless they joyned with them; except some few that were *Protected* by the late Earl of *Clanrickard*.

The *Rebellion* being so hainous and general, as appears by the above Proofs; It clearly appears, that the *Lands* forfeited by the *Rebels*, might justly be disposed to others. That *English* Kings have disposed of Lands forfeited for *Treason*, hath been every where so common, but in *England* especially, is a matter so well known, that it needs no Evidence. The King by the *Law* hath an absolute *Right* in such *Lands*, which he may give as he thinks fit; but those that were

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in *Poſſeſſion* of thoſe *forfeited Lands* in *Ireland*, at King *Charles* the *Seconds Reſtauration*, had this, beſides the Kings meer *Favour*, to offer for themſelves; *That they had been very Early in appearing for His Return: That they had without Conditions, delivered the Kingdom into His Hands: That ſome of them had adventured their Money, others their Lives, to obtain the Poſſeſſion, which they ſo readily (without any Capitulation) ſubmitted to His Will.*

The *Adventurers* alſo, by Four *Acts of Parliament* made in *England*, 17 *Car.* I. yet in Force, had a *Juſt Right* to a conſiderable *Satisfaction* upon theſe *Laws*: They had *Advanced* at leaſt 300000*l.* yet have in their *Poſſeſſion* but a ſmall part of what was intended them; for had the *Acts* of the *Engliſh Parliament* been purſued, and they not obliged to a *Retrenchment* of a *Third Part* of their *Debt*, to the *Payment* of a *Years Value*, to the chargable paſſing of *Courts of Claimes* and *Letters Patents*; to none of which they were ſubject by theſe *Laws*, their ſatisfaction had been four times as great as now it is.

It hath been *Objected* by ſome, *That part of the Money Adventured, was mis-imploy'd by thoſe in Arms againſt the King in* England: To which may be truly Anſwered, *That moſt Sums of Money, much more*

than 300000*l.* *Adventured, had been sent out of* England, *towards the stopping of the Rebellion, even before the Cessation; and that the Adventurers could not call the then Parliament of* England *to Account how they had disposed of their Moneys, the King having left the Management of the War of* Ireland *to Them by the Act of the* 17 Car. I. 'Tis further apparent, That the earnest endeavours of King *Charles* the First, to suppress the *Rebellion*, was that which gave most Encouragement to persons who adventured their Money; from this, That after his leaving the *Parliament*, nothing considerable could be *Levied* upon this *Pretence*, though much more favourable *Conditions* were offered.

Others except against the *Adventurers satisfaction*, as not set out pursuant to the *English Acts*: to which may be returned, That none *Suffered* by that, but themselves; for by these *Acts* they were to have had *Boggs*, *Woods*, and *Barren Mountains*, cast into the *Measurement*. The *Quit-Rent* to have been paid to the King, was not to have been near so much as now it is; They were to have had more *Acres* by a *Third* part, than now they enjoy; every *Adventurer*, upon drawing his Lott, should (without *Claim*, *Letters Patents*, *Payment of a Years Value*, or any other *Charges*) have

been

been *Seized* by virtue of an *Act of Parliament* of his *Proportion*, which, if it consisted of 1000 *Acres*, or more, it might have been erected by him into a *Manner*, with extraordinary *Priviledges*; They had a *Just Right*, and there was no other way to come by it.

Certainly, there was as much reason to confirm This, as any Judicial Proceedings in the *Usurpers Government*. And the *King* and *Parliament*, in the *Act of Oblivion* that Passed in 1660, are of this Opinion; for there they declare, That that *Act* shall not enure to restore to any Person (except the Marquess of *Ormond*, and the *Protestants* of *Ireland*, &c.) any Estate in *Ireland* disposed of by both or either House of *Parliament*, or any *Convention*, &c. or any Person deriving *Authority* from them.

There are others of the *British*, that have had satisfaction by these *Laws*.

The *Military* Officers, that had faithfully Served the *King* in that *Kingdom* before the 5*th* of *June* 1649, the Persons against whose *Loyalty* there could be no *Objection*; many of them left their Wives and Families in a Miserable Condition, that they might go into *England* to the Assistance of King *Charles* the First; where several

of them lost their Lives in His Service, and the rest, upon all occasions, appeared for the *Royal Interest*, and never received any Satisfaction in *Lands* or *Money*, until King *Charles* the Second, of his own *Justice* and *Bounty*, gave it them by the *Act of Settlement*: These Men were sifted with the greatest *Care*, and all excluded that had *Betray'd* any Towns in *Munster*, or done any *Service* to the *Usurper*.

Having now shewn that there was a *Rebellion* in *Ireland*, by which much Land was *Forfeited*, which was disposed at the *Kings Pleasure*, and that the Persons that were in Possession of the *Forfeited* Lands, at the *Restauration* of King *Charles* the Second, had fair pretences to have grants of the *Kings Tythe*. In the next place, I should Prove that the *Acts of Settlement*, by which part of these *Forfeited Lands* were passed to *Adventurers*, *Souldiers*, and others of the *English* Nation, are for so much as concerns these new *Interests*, agreeable to the rules of *Justice*.

But first, It will be necessary to *Answer* an *Objection* they Stated.

Suppose (*Say the* Advocates *for the Forfeiting* Irish) *there were such a* Rebellion *as is Pretended: Yet the* Confederate Catholicks *in the Year* 1643, *made a* Cessa-

Cessation with King Charles the first, which in 1646, was turned into a Peace, and that followed by another Peace in 1648. Concluded the 17 of January by the Duke of Ormond, by which Article, the 18th, the King Promiseth that an Act of Oblivion should Pass in the next Irish Parliament, to extend to all Persons, Before, In, or since the 24th of October, 1641. By this Article, they say, the King being obliged to Pardon them the Rebellion, could not justly dispose of their Lands as Forfeited.

To this, take this following Answer,

Tis Apparent that the Articles of the Cessation were not kept by they Confederates, they never Paying the 30800l. nor sending the Succors, they were to give his Majesty, according to Agreement. The Peace in 1646, was so far from being comply'd with, that these Confederate Catholicks soon call'd a General Assembly that disowned it, Imprisoning their own Commissioners that made it; and sent an Army under Owen Roe O Neile and Preston, to Attempt Dublin; for clearing of which Particular, I shall refer to the Memoires of James Earl of Castlehaven, Sect. 6th. and this further cannot but be taken Notice of, That, that noble Earl acknowledges himself the only Person of the Confederates, that never left the Duke of Ormond in those Adventures, and gave him his Advice

vite for giving up Dublin, *&c. to the* Engliſh *Parliament, Induced by this Conſideration, that if the* Nuncio, *and his* Party, *ſhould have* Ireland, *it might remain ſeperate from* England *for ever.*

That many of the *Confederate Roman Catholicks* broke the *Articles* of *Peace* made in 1648, will appear by a *Declaration* of the Confederate *Iriſh* Army, dated from *James Town* the 12*th* of *Auguſt*, 1650, (Printed in the Year 1674, in a Book Intituled, *The Hiſtory of the Loyal Formulary*, &c. written by Mr. *Peter Walſh*) by which they abſolutely diſown the *Kings Authority*, and *Excommunicate* all that adhere to it; which wrought ſo with thoſe of their *Religion*, that many of them cannot be pretended to have continued ſtanch.

But the *Objectors* will ſtill ſay, *There have been ſome Perſons, and ſome Corporations, that never broke thoſe Articles, and with what Juſtice can they be denyed the benefit of them?*

To Solve this, 'tis fit to conſider, that the moſt moderate of the *Confederates*, would not agree to a *Ceſſation* or *Peace* with King *Charles* the I. in his neceſſity; (whereby he might be at Liberty to make uſe of his *Britiſh Army*, then in that *Kingdom* in his other *Dominions*) without *Ceſſations* of ſuch a nature as *Loyal Subjects* would never have required: For Inſtance,

By

By the 11th *Article* they pretended to exclude such Noblemen of the *British Extraction*, as had Titles in that *Kingdom*, from *Voting* in *Parliament*, unless qualified as they directed.

Article the 27. gives the *Irish Agents* Authority, to Levy considerable Sums of Money upon the *Subjects*, in an *Extraordinary* way.

By the 28. *Article*, the *Irish Agents* are to joyn with the *Chief Governour* in Naming of the *Justices* of the *Peace*, and the *Judges*.

By the 12. *Article*, it was to be left to both Houses of *Parliament* in *Ireland*, to declare what they thought agreeable to the Law of *Ireland*, concerning the *Independency* of the Law of *Ireland*, upon the *Parliament* of *England*; nor would they rely upon the *Kings Word*, but by the 9th *Article* stipulate, for continuance of an *Army* of 17500 *Roman Catholicks*: And by *Article* 29. That all *Cities*, *Towns*, *Forts*, and *Castles*, in their *Quarters*, (which then extended almost over the whole *Kingdom*) should continue in their *Possession*, until the *Articles* were past into *Acts of Parliament*: This implies an *Obligation* upon them, so to keep this *Possession*, as to be ready to deliver it up, when the *King* performed His Part. But this none of them were able to do, having given up the *Cities*, and

almoſt the whole *Kingdom*, to the *Uſurper*; making Conditions for *Themſelves*, but not taking the leaſt notice of the *King*, or his *Authority*.

The *Act of Oblivion* the *Confederates* pretend, (promis'd them by theſe *Articles*) was to paſs in the next *Free Parliament*: Now, how could a *Parliament* be *Free*, that was obliged before hand to paſs an *Act* ſo contrary to the Inclinations of moſt of the *Britiſh* concern'd in that *Kingdome*? or, How could the *King*, by the *Second Article*, promiſe to call a *Free Parliament*, and at the ſame time, by other *Articles*, determine what the *Parliament* muſt neceſſarily do?

The next *Free Parliament* that Sate in *Ireland*, after the making thoſe *Articles*, was that which was call'd, *Anno* 13. *Car.* 2. In this *Parliament*, an *Act of Oblivion* for the *Confederate Catholicks*, amongſt others, was offered by Directions from the *King*, but the *Houſe of Commons* rejected it.

It is worth *Obſervation*, how far the Breach of *Articles*, by part of the *Confederate Catholicks*, may Involve the reſt, and diſcharge the *King* of His *Promiſe* againſt them All.

If a Beſieged City *Article*, and *Security* upon *Conditions* be promiſed the whole *Garriſon*; yet if part of the *Garriſon* breaks the *Conditions*, all forfeits their *Security*. Be-

Beſides, King *Charles* I. before theſe *Articles* were entred into, had obliged Himſelf, not to *Pardon* thoſe guilty of the *Rebellion*, but by conſent of the *Engliſh Parliament*.

King *Charles* the II. by His *Declaration* from *Breda*, the 4*th* of *April* 1660, promiſes the *Adventurers* and *Soldiers*, a *Confirmation* of their *Eſtates*, according to their *Poſſeſſions*.

And the *Parliament* of *England* hath excepted the *Iriſh Rebellion* in the *Act of Oblivion*.

To conclude my *Anſwer* to this *Objection*; King *Charles* the II. was the only *Judge* upon Earth, how far He was obliged by theſe *Articles*; He hath taken notice of them in His *Declaration* for the *Settlement* of *Ireland*; and, after He had heard all *Parties*, doth Declare, *That thoſe that pretend they adhear'd to thoſe Articles, ſhould not be reſtored to their former Eſtates as Innocents.* In which Determination, all good Subjects ſhould Acquieſce.

I ſhall now proceed to *Anſwer* the *Objections* made againſt the *Juſtice* of the *Acts of Settlement*; but will firſt ſhew, how they paſs'd in that *Kingdom*.

Neither of the *Acts* were drawn up in the *Parliament* of *Ireland*; nor could they by the *Conſtitution* of that *Country*, they were drawn, as adviſed

in *England*, by the direction of the *King* in *Council*. Nothing paſt without the knowledge of the *Agents* for the *Iriſh*, who were looked upon as Men of the greateſt Ability for *Parts* and *Intereſt* of that *Nation*; and had a *Gratuity* of Three-pence *per Acre* allowed them, out of the *Roman Catholicks Eſtates*; thoſe were permitted to Diſpute every thing they could Object to in the *Acts*, and not Over-rul'd but by the *King* in *Council*, upon apparent reaſons. When the *Acts* came into *Ireland*, they could not admit of one Word of *Alteration*, and ſo they paſſed the *Parliament*; out of which, no Man was excluded for being a *Roman Catholick*, nor no *Elector* of *Parliament-Men* was refuſed upon that account.

Object. I. The firſt *Objection* then againſt the *Act of Settlement* is, *That the Qualifications appointed by them for the Tryal of Innocents, were unreaſonable.*

Anſw. The Qualifications were theſe; *That no Perſon was to be reſtored as Innocent, that before the* Ceſſation, *made* 15. Sept. 1643. *was of the Rebels Party; Nor any, who being of full Age, and ſound Memory, enjoyed their Eſtates in the Rebels Quarters; Nor ſuch as entred into the Roman Catholick Confederacy, before the Peace concluded in* 1648. *Nor ſuch as adhered to the* Nuncio's *Party. Nor ſuch who derived their*

Estates from Persons who Dye Guilty of the aforementioned Crimes. Nor such who pleaded the Arrestial of Peace for their Estates. Nor such as (being in the Kings Quarters) had correspondence with his Enemies. Nor such as before any of the Peace made in 1646, or 1648, Sate in any of the R. C's. Assemblies or Councils, or acted by Commission or Power derived from them. Nor such as Impower'd Agents to Treat with Forreign Princes, to bring Forces into Ireland, or acted in such Negotiations. Nor such as were Tories before the Marquess of Chatrickard's leaving the Government.

These Qualifications were, in the Kings Instructions, sent over to the first Commissioners, for putting His Declaration of the 30. of November 1660. in Execution, which Instructions, together with the Declaration, were after passed as part of the Act of Settlement.

No Man yet hath been so confident as to deny, but that a Person guilty of any of the Offences mentioned in these Qualifications, might justly be esteemed a Rebel, unless in one particular, and that is, in the Enjoyment of an Estate in the Rebels Quarters. But to this is Answered, That by the express words of the Act, those are excepted out of this Qualification, that could not with safety live among the English; and it may justly be presumed, that

none would choose to inhabit with the *Confederates*, that were not of their *Party*.

Besides, the *Commissioners* for Trying the *Innocents*, were so favourable, that there cannot be any Named that were *Nocent*, barely upon this *Qualification*.

The Confidence of such is Wonderful, who pretend they have lost their *Estates* meerly for their *Religion*.

The *Usurpers* indeed, when they first dispossest them, did esteem the *Rebellion* so Universal, that they accounted all the *Roman Catholicks* of the *Kingdom*, to have been of the *Irish Confederacy*; yet were they not so *Barbarous*, but appointed *Commissioners* to enquire, if there were any *Innocents* amongst them; who finding some, that they thought were not guilty of the *Rebellion*, the *Usurpers*, either continued them in the Possession of, or restored them to their *Estates*, by the Name of *Constant, Good, Affectionate Men*, a Title well known in that *Country*.

'Tis certain, that neither these *Qualifications*, nor the *Act of Settlement*, nor the *Proceedings* of the *Commissioners* for restoring of *Innocents*, have given the least reason for any *Roman Catholick* to affirm his *Estate* hath been taken from him for

his

his *Religion*, unless he say, he engaged in the *Rebellion* upon the *Principles* of his *Religion*, which is hoped no Man is so Wicked, as either to speak or think.

Besides, if the Temper of many of the *Irish Nation*, in the *Parliament* that Sate in that *Kingdom* in 1641, be considered, and how they flew in the Faces of the *Judges* and *English Government*; and if the *Articles*, that from Time to Time they Proposed to the *King*, after they had taken up *Arms*, be looked upon, it will be clearer than Day, that their Designs were *Temporal Advantages*, and the driving the *English Planters* out of the *Country*, covered over with a *Mantle of Religion*.

Object. II. A *Second Objection* against the *Act of Settlement*, is, *That a multitude of Innocents are barred by them, whose Claims had not sufficient Time to be heard.*

Answ. If by these *Innocents*, are meant such as were not Born when the *Rebellion* began, or were hindred by want of Age, or from some inconvincible Weakness, from being concern'd in it, whilst it lasted. 'Tis probable there were a great many such *Innocents*: But, to what purpose should they be heard? it not being upon their account that such Lands were forfeited, there is nothing

taken from them: Thoſe they would derive from, had forfeited before they had any Title.

But it is poſſible, there are no *Innocents* unheard, that had any Title (in 1641, when the *Rebellion* broke out) in the Lands diſpoſed of by theſe *Acts*; or, if there are, it hath happened through their own Defaults.

Doubtleſs, there are but few now living, that were Men in 1641; if there be, I would be glad to ſee a Liſt of thoſe *Innocents*.

Some indeed, ſince King *Charles*'s *Reſtauration*, might have had an opportunity of trying their *Innocency*, being accuſed of *Treaſons*, *Murder*, and other *Miſdemeanors*, had not Letters been procured from his late Majeſty, to ceaſe all *Proſecution* againſt the *Iriſh*, for ſuch Crimes as were Committed during the *Rebellion*.

Is it reaſonable to be deſired, that the Perſons, who now enjoy the *Eſtates* the *Iriſh* pretend to have belonged to their *Anceſtors*, ſhould prove the *Rebellious Actions* of private Men, committed almoſt 50 Years ago? In the year 1662, when the *Act of Settlement* paſs'd, it had been difficult to have made out their *Guilt*, had it not been very *Notorious*. But now it is abſolutely impoſſible, conſidering what the *Act of Settle-*

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ment informs the World, (viz.) *That several means for many Years together, Had been used to Murther such Witnesses, suppress such Evidences, and to vitiate and imbezle such Records and Testimonies, as might prove the Guilt of particular Persons.*

I believe the common *Estimate* now made of the Number of *Irish Proprietors* in 1641. (from whence they conclude many *Innocents* unheard) is a great Mistake: To rectifie which, I will insert the Number of all the *Irish Proprietors* in and about the Fourth Part of that *Kingdom*, as I find them carefully returned on Record.

Proprietors in 1641.		Out-law'd.	Indicted for the Rebellion, in the same County.
In	*Meath*,	386.	161.
	West-Meath,		
	KING's County,	124.	
	QUEEN's County,	131.	554.
	Downe,	88.	534.
	Armagh,		
	Antrim,	24.	214.

To all whose *Estates*, but *Nine*, or thereabouts, the Marquis of *Antrim*, and his Lady, were Restored.

By this *Account*, which (for the *Counties* nam'd) is True, (only some of the most considerable

Proprietors are Return'd in ſeveral Places, and ſome of them are likewiſe Out-law'd more than once) it appeareth, there were but few Landed Men in *Ireland*: And further, That in the firſt *Five Counties*, where the *Rebels* could in any manner be Proceeded againſt, *Seven Hundred Ninty Nine* were Indicted, or Out-law'd, more than the full Number of the *Proprietors* amounted to.

There were *Two Commiſſions* Iſſued out by King *Charles the Second*, for the *Reſtoring of Innocents*.

The *Firſt* was upon the *King's Declaration*, dated the 30*th.* of *October*, 1660. Although theſe *Commiſſioners* ſate ſeveral Times; yet not above Two or Three of the *Iriſh Nation* ever ventur'd to make out their *Innocence* before *Them*.

The *Second Commiſſion* was granted to *Perſons*, upon whoſe *Nomination* the *Britiſh* in *Ireland* cannot pretend to have the leaſt Influence. Though *They* were as favourable to the *Iriſh Nation*, as *They* could, with any colour of *Juſtice*, muſt be allowed; yet the *Iriſh* were ſo ſevere to the *Engliſh*, that They complain'd of *Them* to the *Parliaments* both of *England* and *Ireland*.

The *Commiſſioners* publiſhed *Rules*, dated the 22*th.* of *October*, 1662. by which they declar'd in what *Order they would hear the Pretenders to* Innocency,

cency, *in the several Counties of* Ireland: But these *Innocents* had then so ill an Opinion of *Themselves*, that not many of *Them*, after much Delay, durst come to *Tryal*.

The First *Publick Sitting* upon this *Commission*, was the 13*th*. of *January*, 1662. and so few were there then ready, (although the whole Proof was put upon the *British*) that in the First Month there came on but *Forty Five*; amongst which were several *English Protestants*; and of the rest, *Seven* declar'd *Nocent*, and Dismiss'd.

In the Second Month there came on *Sixty* to Trial; of which *Seven* were *Nocents*, and Dismiss'd.

In the Third Month came on *Eighty Five*; of which *Five* were *Nocents*, and Dismiss'd.

By this Time several of the *Claimants* (as hath since fully appear'd) had contracted with Men of *Interest*, to carry on their *Claims*; and had contriv'd *Settlements*, whereby they might avoid *Prejudice* from the *Guilt* of their *Ancestors*: So that many ventur'd with more *Confidence*; and *Six hundred* and *Thirty* Claims more were heard in the remaining Five Months, that the *Commissioners* sat; of which many belong'd to *Protestants*, and several were declar'd *Nocent*, and Dismiss'd.

It is further obſerved, That the firſt *Claimant* was declared *Nocent*.

That of thoſe declared *Innocent*, there were about *Eighty* of the moſt conſiderable for *Quality* and *Eſtates*, who derived their *Titles* from *Perſons* acknowledged to be *Guilty* of the *Rebellion* by the *Settlements*; concerning many of which it may be ſaid truly, *That they were not in common Method.*

I ſhall come to the latter part of this *Objection*, *That there was not Time enough for all* Innocents *to bring on their Tryals*; although, by what hath been ſaid before, it is apparent, they had much more Time then they made uſe of; yet this is further to be offered:

At the *King's Return* in 1660. a conſiderable part of the *Kingdom* of *Ireland* was to be *Settled*: Matters of ſuch Weight cannot admit of long Delays; all Perſons agreed, *That* Innocents *were firſt to be reſtored; there muſt be a fixt Time for their Reſtitution, all other Intereſts being obliged to attend it.* All that knew thoſe *Times*, and how univerſally the *Rebellion* had ſpread it ſelf, knew there could but few pretend to *Innocency*: Thoſe that were really ſo, or hoped the contrary could not be proved, were earneſt to be in their *Eſtates*; and

there-

therefore, at the desire of their *Agents*, the first Period for the *Restitution* of *Innocents*, by the *King's Declaration*, dated the 30*th.* of *Nov.* 1660. was the second of *May*, 1661. This gave them but five Months *Time*: And the first *Commissioners* proceeded the next day after the day of the *Declaration*, which is three Months less than afterwards made use of.

The next *Period* was to the first of *August*, 1662. and that was at the desire of their *Agents*, by the *Act of Settlement*, which passed at a *Session* which began the 17. of *April*, 1662. Here they had but *Three Months* given them, and nothing was done, in relation to them, in it. Thus, by an *Act of Parliament*, and their own *Neglect*, they would have been finally debarr'd, had not the *Parliament* of *Ireland*, (of which they now so much complain) not being discouraged by the prejudice it brought to many of its *Members*, freely passed an *Act*, giving *Innocents* a *Year* further to be heard. *Four Months* of which *Time* were trifled away by them, and the other *Eight* Imployed in the manner before-mentioned.

A *Third Objection* to the *Act of Settlement*, is, *That they had not perused King* Charles *the Second's* Declaration *of the* 30th. *of* Nov. 1660. *upon which they*

were grounded; several of the Irish *Nation being provided for by that* Declaration, *which now are never likely to receive the satisfaction intended them by it.*

Answer. A Complaint the *Declaration* is not comply'd with, implies their now *Acquiescence* in that way, which formerly they *Opposed* with great Heat; but if the *Declaration* be not *Perused*, the *English* are in no *Default*; they themselves are great *Losers*; many of the *Adventurers* and *Soldiers* want much of the satisfaction, which by the *Declaration* they ought to have had: Many of their *Estates*, which should have come clear to their *Possession*, are subject to great *Incumbrances*; and several of them are daily threatned to have all they had set out, for their *Adventures* and *Arrears*, taken from them by Dormant *Titles*, lately set up by *Irish Proprietors*, declared *Innocent* by this, without any hopes of *Reprize*.

By the *Declaration*, *Souldiers* and *Adventurers* were not to be removed from the *Estates* of any but *Innocents*, without a previous *Reprize* of equal *Value*, *Worth*, and *Purchase*; and, if in case their Removal from the *Estates* of *Innocents*, they were to be further *Reprized* in the same manner.

Removed they were indeed, by the *Commissioners*, upon the First *Act*, from the *Estates* of *Innocents*

cents and others, but no care was taken, by them, on that *Act*, for their ſatisfaction.

By the Second *Act*, the *Iriſh*, notwithſtanding what they had loſt to *Innocents* (to the end that all the *Iriſh Intereſts*, that the *King* ſeemed to have a *Favour* for, by the *Declaration*, might reap the benefit by Him intended them) were contented (beſides ſeveral great *Payments*) to part with a *Third Part* of their *Eſtates*; by which means many of the *Iriſh* have, and many more of them might have had ſatisfaction, had not the *King* thought fit to direct the Inſerting of ſo many *Proviſo's* in the *Act of Settlement*, for *Perſons* of the *Iriſh Nation*, that could not prove their *Innocency*, and others, that at that *Time* of his *Reſtauration*, had not the leaſt claim to *Iriſh Lands*. His granting, likewiſe, of vaſt quantities of *Forfeited Lands*, by *Letters Patents*, not grounded on the *Act of Settlement*, have been the occaſion that ſeveral of the *Intereſts*, provided for by the *Declaration*, are become deſperate.

Having, as I hope, cleared the *Juſtice* of the *Settlement*, by the *Anſwers* to the *Objections*, made by the *Iriſh*, againſt it, and what elſe I have before offered; I ſhall proceed to conſider, *Whether it can, at this Time, be juſtly broken; ſuppoſing*

that at first somewhat might reasonably have been alledged against it?

Three *Years* after the *Commission* for declaring *Innocents*, were over, and after the *Irish Parliament* was *Dissolved*, about the Year 1667. most of the *Forfeited Lands* in *Ireland* were settled by *Letters Patents*, in the *Possession* of such of the *Irish*, as by *Commissioners*, appointed to put in Execution another *Act of Parliament* for explaining the *Act of Settlement*, were adjudged to have right to the same. Since this Adjudication of *Right*, and passing of *Letters Patents*, being near *Twenty Years*, there have been general alterations of *Titles* and *Possessions*, for good and valuable considerations, so that, should the *Settlement* now be broken, multitudes of *Purchasers* and *Mortgagers* for great Summs of *Money*, *Settlements* upon *Marriage*, where considerable *Portions* have been received, *Leases* for *Lives* and *Years*, where *Fines* have been paid, and advantageous *Improvements* have been made, will be divided, and that without any Default in them that have dealt with the *Patentees*. If it be Objected, *That Men Buy at their Hazzard, and* Purchasers *are to look to their* Titles *of what they deal for*: This is not of Weight in this Matter; for no Man could suspect the Legality

gality of these *Estates*, if he considered that they were confirmed by *Acts of Parliament*; and had been always, when brought into Dispute, adjudged good by the *Judges*, in the several Courts of *England* and *Ireland*.

Most part of the *British Titles* in that *Kingdom*, have depended upon *Acts of Parliament* of the like nature: The *Plantations* in the Counties of *Wicklow*, *Kilkenny*, *Wexford*, &c. upon an *Act* made 15. *Jo.* 16. The whole *King* and *Queens* Counties are settled by an *Act* made 3. and 4. *Ph.* and the *c.* 2. A *Statute* made the 11. of *Eliz. c.* 1. and *Sess.* 3. is the Foundation of all those *Plantations* in the *Province* of *Ulster*. These *Acts* barr the *Irish Proprietors* for former *Rebellions*, without any *Tryal* of *Innocents*; some few particular *Persons* being only taken notice of in them.

It was many *Hundred Years*, before the *Natives* could obtain to be allowed the benefit of the *English Laws*: Now they enjoy this *Advantage* by the favour of our *Kings*, they will never *Acquiesce* in them.

They waited for an opportunity to destroy all former *Settlement*, as well as they do the present; and by the *Articles of Peace*, they stipulated for *Liberty*, notwithstanding the forementioned

Laws to deſtroy the former *Plantations* in *Kilkenny*, *Wicklow*, &c. *Munſter* and *Ulſter* they could not but allow; they could not but allow the *Laws* they were grounded on, whilſt in force, ſufficient; but they reſolved to Repeal them, in what they ſtiled a *Free-Parliament*; which, according to their *Articles of Peace*, was to be called, when they had moſt part of the *Kingdom* in their hands, and a ſtanding *Army* of 15700 *Horſe* and *Foot*, of their Confederates: *God* grant their *Deſigns* be not the ſame, in this preſent conjuncture.

The Legality of the *Acts of Settlement* are not doubted, at leaſt-wiſe the *Britiſh* are ſatisfied to reſt on them: By their *Objections* they declare, *They intend their Repeal*; and yet five Parts of ſix of the *Free-holders*, and the *Major part*, by much of the *Corporations* in that *Kingdom*, conſiſt of *Perſons* concerned, that the preſent *Settlement* ſhould continue as it is; ſo that it is impoſſible for them, unleſs the *Kingdom* be in ſuch a condition as it was when they made thoſe *Articles*, to have ſuch a *Parliament* as will anſwer their *Deſigns*.

Engliſh Roman Catholicks have been of another Temper: The *Statutes* made in H. the *Eighths Days*, whereby *Church* and *Abby-Lands* were given to

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the *Crown*, cannot but be esteemed by every *Roman Catholick*, to be more against the *Rules* of *Justice*, than those *Acts of Settlement*: they are point blank against the *Canons* of the *Roman Church*; no general *Guilt* was cast upon the *Proprietors*, no *Innocents* escaped: The *Lands* were certainly designed for *Pious* and *Charitable* Uses; and yet the *Parliament* in *Queen Maries Days*, had such a regard to the *Peace* of the *Kingdom*, to *Purchasers* for valuable *Considerations*, and to *Laws* formerly *Enacted*, that the *Statutes* for *Dissolution* of *Religious Houses*, &c. tho' but lately made, were confirmed at that *Session*.

As *Purchasers* had no reason to question the Legality of these *Acts of Settlement*; so, likewise, was there no cause to doubt its *Equity*, when the *Forfeiting Persons* themselves, to those that claimed by the *King's Letters*, or as *Nominees*, or by *Proviso's*, &c. in the *Acts*, were contented to take part of their *Estates* of *Lands*, *Forfeited* by the *Rebellion*, and disposed of to them, by those *Acts*; so waving their former *Titles*, several *Forfeiting Persons*, who had the *Land* of their *Country-men* in *Connaught* given them by the *Usurper*, kept those *Lands* to their own use; and have since passed *Letters Pattents* for them, as *Forfeited* by the late

Rebellion, without any Compunction whatsoever.

Lastly, His late *Majesty* was pleased to take very great *Summs of Money* from the *British Patentees*, for their *Confirmation*; and His *Sacred Majesty*, that now is, hath ever since the *Year* 1662. received the *Profits* of a considerable part of the *Forfeited Lands*; which, who could have imagin'd they would have done, had they not thought those *Lands* might be enjoyed with a safe *Conscience*.

It is further considerable, That to destroy the *Settlement* at this *Time*, would Ruine multitudes of *Families*, both in *Corporations*, and the *Country* that depends upon it; some of which consists of *Souldiers*, sent thither since King *Charles the Second*'s *Restauration*, & settled there, tho' now *Disbanded*; others, in great numbers, have been brought over by the encouragement of an *Act of Parliament*, made the *14th* of *Charles* the *Second*, and several Orders of *Council* grounded on that *Law*.

Certainly, it would be a breach of *Faith*, and common *Humanity*, to undo those who have done nothing to deserve so severe a *Punishment*.

It is now time to make some Reflections on the *Coventry Letter* and *Pamphlet*, Intituled, *The Sale and Settlement of* Ireland.

And

And first for the *Coventry Letter*. The design of it seems to be, to advise against the Issuing any *Proclamation*, to declare; *That the King had no Intention to touch the Acts of Settlement, but would confirm them:* Many Politick *Arguments* are used in it, which lye not in my way: But if His *Majesty* had been pleased to have declared His Intention, *Not to break the Act of Settlement*, it would have given great satisfaction to most of His *British* Subjects; who, tho' they do not mistrust His *Justice*, yet cannot but be much *Disquieted*, by the frequent *Threats* they receive from those that pretend to their *Estates*, & the unreasonable and false grounded *Objections* of others, against those *Acts*.

Neither had such *Proclamation* been without *President*; for *January* 24. 1672. a *Proclamation* Issued; by which *King Charles the Second* (to take off a Malitious *Suggestion*, diffused amongst His *Subjects* in *Ireland*, *That He did desire to weaken the Acts of Settlement*) doth declare, *That it never entred into His Heart, either by His late Commission for Inspection, or by any Indulgence granted to His* Roman Catholick *Subjects to live in Corporations, any-wise to impeach the said Acts.*

The *Gentleman's* chief *Arguments* are against His *Majesty's* declaring any *Intention* to confirm

those *Acts*; which, he Insinuates, would be against *Justice* and *Religion*.

Indeed, I believe, had His Majesty declared, *Not to suffer the Acts to be broken*, most Men would not have desired any *Promise* of *Confirmation*; for they now think their *Estates* as fully secured to them, as *Laws* can do it. However, His *Majesty*, in His several *Declarations* for *Liberty of Conscience*, in *England* and *Scotland*, hath promised to maintain His *Subjects* in the Possession of *Church* and *Abby-Lands*; and yet it is possible, this *Gentleman* might use some of his *Arguments* against those *Titles*.

The *Gentleman* layeth down for a Principle, *That nothing can support the* Catholick *Religion in* Ireland, *but to make the* Catholicks *there considerable in their Fortunes, as they are in their Numbers; which must be the only Inducement can prevail with a* Protestant *Successor to allow them a Toleration, as to their Religion, and a Protection to their Estates; and that their having all Imployments, cannot prevent this danger.*

This must be acknowledged to be a terrible consideration to the *British* in *Ireland*; *That nothing can make the* Roman Catholick *Religion considerable, but breaking the Settlement, and giving the* Irish *the Lands the* British *now lawfully enjoy:* But I have a much

much better Opinion of that *Religion*, and am confident, That many, who profess it, are not of this *Gentleman's* Mind. We see there are some Men, that will not easily be satisfied; *Favour, Imployments*, nor *Free-Liberty* in the Exercise of their *Religion*, will not satisfie them; *They* will have *All*, or *Nothing*. Our whole Confidence, therefore, rests in our *King's Justice*; who, we hope, will never be perswaded to take away the *Estates* of those, who are Guilty of no *Offence* against His Laws, upon any pretence whatsoever.

The Gentleman advanceth, *That new Estated Men would freely part with great Sums, and a considerable part of their Lands for a Confirmation.*

That these new *Estated Men* would be as ready to lay their *Lives* and *Fortunes* at His *Majesties Feet*, as any *Subjects* He hath in that *Kingdom*, is a *Truth* Tryal would quickly *Justifie*: But their *Estates*, if *Laws* can secure them, they have already as well *Worded*, as they can desire: If they should Purchase another *Confirmation*, they are well satisfied, a *Parliament*, constituted of the *Principles* with this *Gentleman*, would speedily *Repeal* it, could they procure His Majesties *Consent*; which, I hope, they will never do, to the prejudice of the *Act of Settlement* now in Being.

Here I cannot but remember with Honour, the care our *Engliſh* Anceſtors had for ſuch as ſhould come after them, for the Securing this *Kingdom*; They had obſerved, that not only the meer *Iriſh*, but the *Antient Colonies*, had no kindneſs for the *New Engliſh*; but the frequent *Acts* of *Reſumption*, paſſed in their *Parliaments*, had avoided new *Grants* made to *Engliſh-men* for conſiderable *Services*: For this, and other *Cauſes*, that *Act* was procured, with great Wiſdom, by Sir *Edward Poynings*, then Lord Deputy, the 10. *Hen.* 7. by which it is Enacted, *That no Bills can be offered to a Parliament in* Ireland, *before they have been approved by the King in* England: This Law, tho after attempted by the *Natives*, continues unrepealed, and is our preſent *Security*; who are confident, the *King* is too Juſt, ever to ſend a *Bill* into that *Kingdom*, to take from many Thouſands of His *Britiſh Subjects*, that which they now enjoy by *Law*.

The *Gentleman* ſeems to be very hard upon the Memory of the late *King*, when he diſplayeth his *Rhetorick*, to ſhew how contrary to *Zeal*, *Piety*, and *Juſtice*, it would be for His preſent *Majeſty* to confirm the *Acts of Settlement*; reflecting thereby upon King *Charles the Second*, that Acted contrary to *Zeal*, *Piety*, and *Juſtice*, when he made

thoſe

those Laws. Questionless, our present *Soveraign*, will, upon all Occasions, vindicate the Honour of his *Brother*; and I hope, He will think no way so proper, in this particular, as by Protecting that *Settlement*, which His *Brother* Establish'd.

The *Gentleman* hath, it seems, an expedient to help all *Matters*, and yet he thinks fit to offer some in short, which I fear too, are the best of his *Intentions*, altho' of a strange Nature.

He would have His Majesty *Condemn Laws*, as *Defective*, before any Person hath been heard in their *Defence*; and after his *Judges*, upon all occasions, have judged them sufficient.

He would have the Clause, concluding the *Claims* of those not yet adjudged *Innocent* Rectified, (whereby, I presume, he means *Revoked*) by which, the Persons concern'd in the *Lands* formerly *Forfeited*, must, near *Fifty Years* after the *Rebellion*, be put to prove the *Offences* of particular *Persons*; several of whose *Descendants* act at present, in considerable *Civil* and *Military Imployments*; and some of them now, endeavouring to take off the *Outlawries* of their *Ancestors*.

These are things so Unreasonable, that certainly they will never be hearkened unto, where they expect they should.

At last, *He doubts not, but Matters may be adjusted at the next Sitting of Parliament*; but what *Parliament* he means, I cannot guess: if he means an *Irish Parliament*, freely and fairly Elected, he knows, That more than four Parts of five of it, must consist of Persons that will not break the *Settlement*: If he means such a *Parliament* as the *Irish* designed, when they made the *Artitles* in 1648. I am satisfied, few of the *British* must expect to continue in the *Possession* of any thing they now *Enjoy*, unless His *Majesty* be graciously pleased to Interpose. Certainly, he does not think of the *English-Parliament*, his Country-men (against all Reason and Presidents) not admitting, That *Laws* made in *England*, bind that *Kingdom*: But if he would have the *English-Parliament* Reconcile all *Differences* between us, I see no reason why the *British* should not Acquiesce, if it have His *Majesties* Approbation.

I am come now to the *Pamphlet*, called, *The Narrative of the Sale and Settlement of* Ireland; but am resolv'd to take no further notice of it, than to reflect on some few *Matters of Fact*, by which, the Truth of the whole *Paper*, (and what sort of *Adversaries* we have to deal with) may appear.

The *Author* makes an enumeration of the several

veral Counties of *Ireland*, and tell us, *Pag.* 4. *That in the Year* 1653. *Ten Counties were allotted to the Adventurers, Twelve conferr'd on* Cromwell's *Soldiers, Three given to Transplanted* Irish, *and Seven reserved to the Common-wealth.*

The first mistake (and that a wilful one too) is, that he affirms, That the *Counties* were thus disposed; whereas it was only the *Land Forfeited* by the *Rebellion*, in those *Counties*; *Church-Lands*, *Protestant Lands*, *Constant*, *Good*, *Affectionate Mens Lands* were not disposed; and the *Interest* of those were so considerable, That not a fourth Part of the Province of *Ulster* was Forfeited.

His next *Error*, which sure proceeds from *Ignorance*, is, *That Ten Counties were given to Adventurers*, whereas it is notoriously known, they had but the Moiety of the *Forfeited Land* in *Ten Counties*, of which, near the half of that hath been since taken from them.

Pag. 5. He says, *Five Hundred Gentlemen, that Served the King in* Flanders, *are named in the* Declaration: Let him reckon again, and he will find but *Two Hundred Twenty Two*; this is well stretcht; yet the modestest mistake in his Paper.

Pag. 6. He affirms, *That taking off the Engagement, which* (he says) *the* Irish *were forced to do on pain of*

Death, by Cromwell's *Army was made a Qualification of* Innocency, *that none that had taken it, could be declared* Innocent. And by this *Qualification*, he leaves his *Reader* to judge of the reſt, aggravating the Matter with much *Rhetorick*.

Certainly, this is a *Falſhood* ſo apparent, ſo eaſily diſcovered, that no Man that valued his *Credit*, would alledge it; 'Tis as *Wilful*, as 'tis *Malitious*: Had he reckoned the *Qualifications* in the *Act of Settlement* right, they are as he ſays, but not any thing of the *Engagement*, or any thing like it, amongſt them. I believed the occaſion of this was, he had told the World, That the *Qualifications* were ſo *Severe* and *Rigid*, that ſome thought it Morally impoſſible to find an *Innocent*; and yet, when he came to conſider them, he could pick out but *One* to *Cavil* at, and that put him upon this Notorious *Invention*.

Pag. 7. *Few of the* Iriſh *Peers were admitted to Sit in the Houſe of* Lords, *under pretence of former* Indictments.

Many of the *Iriſh Peers* Sate, none were excluded upon pretence of *Indictments*, unleſs they were alſo attainted of *High-Treaſon*.

Pag. 7. *The Act of Settlement, alloweth only Twelve Months time to the Tryal of Innocents.*

The

The *Act* passed at a *Cessation*, which began the 17*th.* of *April*, 1662. The time for the *Tryal of Innocents*, was to be the first of *August*, 1662. By this it appeareth, there was not near 3 Years time for their *Tryal*; so that this mistake in this place seemeth to be to the disadvantage of his *Friends*. But he had a further *fetch*, he resolved not to own the kindness that the then *Parliament* of *Ireland* shewed those that pretended to *Innocency*, giving them (after the time for their Tryal by this *Act*, was expired) a year further, by another *Act*, being all they desired.

Pag. 8. *The Commissioners began their first Sitting the first of* February.

This Man hath so perfectly fallen out with *Truth*, that it is impossible ever to reconcile them. The *Commissioners* began the *Tryal* of *Innocents* the 30*th.* of *January*, 1662. They heard *Twenty Seven* considerable *Claims* before the first of *February*; and might have heard many more, had the *Claimants* been ready.

Pag. 10. *The Fifty Two Nomenoes have not yet got Possession of a Cottage of their Ancient Estates.*

This is false; many of them have got a considerable part of their *Antient Estates*.

Pag. 15. *Since the Cessation of Arms concluded*

the Year 1643, *there was no more Fighting between His Majesty's* Protestant *and* Roman *Catholick Subjects.*

Here he justifies the breaking of the *Peace* in 1646, and the Wicked and Malitious *Actions* of the *Nuntio's* Party, the attempt upon *Dublin* by *O Neile* and *Preston*, Excommunicating all that adher'd to the *King's Authority*: All which, was, it seems, in this *Gentleman's* Thoughts, no *Fighting* against the *King*.

Pag. 18. In this place he takes confidence to fix upon this *King*, when *Duke of York*, a foul Aspersion; by saying, *The Lands of* Miles Corbett, *and other the Regicides, now in His Majesty's Possession, by Vertue of the Act of Settlement, were set out to those Regicides, for no other Service, but the Sentence of Death they gave against King* Charles *the First*: Which is a most gross *Falshood*; for these *Persons* had these *Lands* His *Majesty* now enjoys, for *Adventurers, Arrears, Provisions*, and other Considerations, common with them and others; and not as a *Reward*, for Murdering the *King*.

Pag. 19. *By the Insurrection, Four Hundred* Englishmen *could not be found Murdered in* Ireland; *as appears by the Proceedings yet extant in* Dublin.

'Tis certain, for all this Affirmation, That there were *Examinations* taken, by Vertue of the

King's

King's Commission, under the great *Seal* as *Duties*, which prove the *Murder* of many *Thousands* of the *British* in *Ireland*, at the first *Insurrection* or *Rebellion*, which you please.

Pag. 19. *The Peace in* 1648. *was no sooner Published, than all the Garrisons, Cities, and Magazines of the Irish were put under the Command of the King's Lieutenant.*

This is not so; the *Confederates*, by the *Articles*, reserved them in their own Power and Possession. The *Story* is too well known, how his Grace the *Duke of Ormond* (a Person of Eminent Loyalty) was most falsly abused in this *Libel*, then the *King's Lieutenant*; and how he was used at *Limerick*, *Waterford*, and *Galloway*, needs not be repeated.

Pag. 19. *Notwithstanding the Confederates had offered any Conditions by the* Usurper, *and Granted by the Parliament.*

The *Confederates* were never offered any *advantagious Conditions* by the *Usurper*; it is known, he absolutely denied the *Exercise* of their *Religion*. I wish some body, to convince the *World*, would give an Account of those favourable *Conditions*, refused from the *Usurper*, and of the glorious *Concessions* bestowed on them by the *Parliament*, which are yet *Secret*.

Pag. 20. *Situated by some Neighbouring Plantations.*

There is good *Evidence*, they Solicited *France*, *Spain*, *Rome*, and *Lorrain*; but that They were Solicited, is not generally known: It had been well, if the *Author* had nam'd the *Potentates*.

Pag. 22. *Most of the Young Nobility and Gentry having followed His Majesty into Foreign Countries.*

The *Irish Gentry* is very numerous: No Man was ever a *Proprietor* of *Lands*, or related in any degree to, or of the Name of a *Proprietor* in that *Country*, but he is esteemed a *Gentleman*. What a Noble *Army* would the greatest of these have amounted to? at least *Thirty Thousand*: And yet this very *Author*, a few *Pages* before, told us, *There were but Five Hundred Gentlemen with the King in* Flanders; and over-reckon'd them, too by more than half.

It is certain, many *Irish Gentlemen* Served the *King* beyond *Sea*, who deserve much Praise; without enquiring, how many were forced to go over by their *Articles* with the *Usurper*: I have peruled a List of those *Gentlemen* in His *Majesty's Declaration*, of the 30*th*. of *November*, 1660. and find them to be *Two Hundred Twenty-One*; of which, there are of *Original Irish Families*, *One Hundred Thirty Eight*; and of the *Old English*, *Eighty Three*: There is not of that List one *Flem-*

ming, Nugent, Barnwel, Tyrrel, and only Mr. Nicholas Plunket of Dunsaghlin, of the Sirname of Plunket; whereas there are many more Gentlemen of those Names, than the whole number in that Declaration amounts to. From whence it follows, That the Author is grosly mistaken in his Assertion.

Pag. 26. *Presbyterian Lords, Justices, Deposed and Imprisoned by the King's Command.*

There were no *Lords, Justices, Imprisoned by the King's Command*: This is a *Romance*, like the rest. Here I cannot pass by that which is common to this *Author*, (with many of his *Country-men*) the fixing upon all the *British* in *Ireland*, the odious Appellations of *Presbyterians, Phanatick*, and *Cromwellians*: It hath been a Practice there formerly to call the *English* there amongst them, by those (they esteemed most Scandalous) *Names*; given to any of the *Nation*, as in 1641. they were all stiled, *Puritans*. For my part, I do not think it fit to bestow the title of *Rebels, Antinosts*, so freely amongst them; and yet, they must remember, that the Faults of the *English*, who swerv'd from their Duty, are forgiven, and all Men forbidden to upbraid them, by an *Act of Oblivion*, which They cannot yet pretend to.

Pag. 27. *The Earl of* Clarendon *made it his Business to Exalt the* French *King.*

This is a high touch of *Malice*: Rather than he will not rail against the *Earl of Clarendon*, he will take occasion from that *Earl's* pretended Kindness to the *French King*. I am apt to believe tho', that he is out in this particular: But that some of his *Country-men* has had a greater Kindness for that *King*, will appear by an *Authentick Piece*, I have put at the end of this *Paper*.

The *Author* has thought fit, (through his whole *Pamphlet*) to cast most false and scandalous *Aspersions* upon *Persons* of great *Honor* and *Integrity*, of which I shall take no further notice, but leave him to *Scorn* and *Contempt*; which those Noble *Persons* have hitherto judged the best *Answer* to his *Libels*, only observing his unparallel'd *Impudence* and *Malice*, in charging the late *Earl of Clarendon* (whose many *Just* and *Famous Actions* will make him *Famous* to *Posterity*) with abominable *Calumnies*; and that without any regard to *Truth* or *Probability*, or Respect to the *Royal Family*, to which He was so nearly Related.

By

By this *Pamphlet*, and other *Books*, Printed both at *Home* and *Abroad*, the Conditions of the *Irish Nation* is described, as the most *Miserable* and *Oppressed*, as any *People* were ever in, under the Sun.

I could not see what happened during the *Wars*; yet have reason to believe, some of them did more Mischief, than they could suffer: But since King *Charles the Second's Restauration*, they have no occasion to complain; they have been equally *Protected* by the *Law*; The free *Exercise* of their *Religion* hath been conniv'd at; There have still been *Parish Priests*, in every *Parish*, competently maintained by the *Irish Farmers*; which the *British Landlords* suffered, to their great Disprofit, when *Dissenting Protestants* have been severely *Prosecuted*, especially in the *Province* of *Ulster*, and *Indicted* as *Rioters*, for *Religious Assemblies*: Great and frequent Meetings at *Mass*, have not been taken notice of: They have been allowed to keep the *Holy-Days* of their own *Church*, and not forced to observe those of the *Protestants*, I mean the *Twenty Ninth* of *May*, nor the *Thirtieth* of *January*, which, I never could hear they minded.

The poor ſort of *Labourers* and *Farmers*, in their own *Opinions*, lived better *Lives*, than ever their *Anceſtors* knew; receiving *Wages*, and having *Terms* of the *Land* they *Manured*: Thoſe ſort of *People*, being the moſt numerous, wiſht, without doubt, in their *Hearts*, for the Continuance of the preſent *Settlement*.

The *Artificers*, *Tradeſmen*, and *Merchants*, were admitted freely to follow their reſpective *Callings* in *Corporations*; if there were *Laws* to the contrary, they were not put in *Practice*.

The *Proprietors* amongſt them, which proved their *Innocency*, were Reſtored to their *Poſſeſſion*, without further Suit at *Law*; and, for the moſt part, found their *Land* in better condition, than when they loſt them: All difficulties in the *Act of Settlement*, have been judged in their *Favour*: Abundance of great *Eſtates* have been Reſtored to ſeveral of them, who never proved their *Innocency*; nay, ſome of them have large Grants of the *Forfeited Lands* of their *Country-men*. The moſt of the *Forfeited Lands* in the Counties of *Galloway*, *Clare*, and *Roſcommon*, are given to ſuch *Proprietors*, who loſt their *Eſtates* in other Places; with this particular Favour, That if any of them

admitted to pass on *Juries*; to be *Electors*, or *Elected Parliament-men*; and none excluded out of the *House of Lords*, for *Religion*.

I say nothing of their present *Condition*, not having been lately *There*; but, certainly, had they continued as they were, they have not much reason to exclaim.

There are other *Arguments*, against Dec[illegible] ing of the present *Settlement*, of more consequence than any herein mentioned; which I purposely omit, as not proper for me to meddle with: Yet, I cannot conclude, without remembring, once more, the *Opinion* of *James*, late Earl of *Castle-haven*; who was himself, not only a *Roman Catholick*, but one of the most considerable of the *Confederate Roman Catholicks* of *Ireland*; and one that knew their *Designs*, as well as any amongst them: